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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

HEARING HELD AT 2nd FLOOR - 1235 BAY STREET,
TORONTO, ONTARIO ON
FRIDAY, JANUARY 13, 1989

VOLUME 4

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

COURT REPORT

COMMISSION OF INQUIRY INTO THE

USE OF DRUGS AND BANNED PRACTICES

RESEARCH REPORT

INTENDED TO INCREASE ATHLETIC PERFORMANCE

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--- Commenced at 10:00 a.m.

THE COMMISSIONER: I am proposing that we
adjourn this afternoon at four o'clock to accomodate our
5 out-of-town witnesses and counsel. Ms. Chown?

MS. CHOWN: Thank you, Mr. Commissioner.
Our next witness will be Miss Abby Hoffman.

THE COMMISSIONER: Good.

10 ABBY HOFFMAN: Sworn

THE COMMISSIONER: How was the opening of
your new sports centre yesterday?

15 THE WITNESS: Didn't get there in view of
the weather.

MS. CHOWN: Mr. Commissioner, the documents
that we're going to be dealing with, with Miss Hoffman,
you will find in a folder on your desk and they have been
supplied to counsel, as well.

20

DIRECT-EXAMINATION BY MS. CHOWN:

Q. Miss Hoffman, if we might start with a
bit of your background?

25 I understand that you are currently Director
General of Sport Canada and we've heard a bit about Sport

Canada and where it fits in the overall picture from Mr. Makosky, yesterday and the day before.

Prior to becoming Director General in 1983, you were appointed to be Director in July of 1981?

5 A. That's correct.

Q. And your academic background, I understand, that you received your Honours B.A. in Political Science and Economics from the University of Toronto in 1968 and your Masters Degree from that same school in 1979?

10

A. That's right.

Q. As with Mr. Makosky, you went on to pursue graduate studies and they are still awaiting your thesis, as well?

15 A. Same dead letter office.

Q. Where did you do your doctoral work?

A. I did it also at the University of Toronto in the Department of Political Economy.

Q. You did go on, however, to an academic career between 1973 and 1975 when you were Assistant Professor of Political Studies at the University of Guelph?

20

A. Yes.

Q. Following that, you joined the Ontario Government in 1977 and held a variety of positions with

25

that government including, first of all, Sport Consultant with the Ministry of Tourism and Recreation?

A. Yes.

Q. That was in 1977, '78. Following that,
5 you became the executive secretary of the Ontario Human Rights Commission in 1978, '79?

A. Yes.

Q. And following that, in 1979, you returned
to the Ministry of Tourism and Recreation as the
10 Supervisor of Sport Sciences in the Sport and Fitness Branch?

A. Sport Services actually was the name of that section in that branch.

THE COMMISSIONER: That's in the province.

15 MS. CHOWN: In the provincial Government of Ontario, yes.

MS. CHOWN:

Q. Now, of course, most of us are very
20 familiar with you as a result of your impressive athletic career and perhaps we might turn to that now.

I understand that you were a member of Canada's National team in Track and Field for 15 years, the period 1962 to '76?

25 A. That's correct.

Q. Your particular area was as a middle distance runner and I understand you participated in four Olympic Games. You were in the finals in the 800 meters in Mexico City in 1968 and again in Munich in 1972?

5 A. That's correct.

Q. You also won five medals in Pan American Games competitions including two gold medals in 1963 and '71?

A. That's correct.

10 Q. Was that also in the 800 meters?

A. Yes, it was.

Q. Thank you. And you won a Commonwealth Games title in 1966?

A. Yes.

15 Q. And, in addition, you participated in and won numerous national championships in the United States, the United Kingdom and Canada and you were the Canadian champion for the 800 meters, for that period of 1962 to 1975?

20 A. Yes.

Q. I understand you still to do some recreational running today?

A. It's at the pace where it's falling into the jogging category.

25 Q. Where the rest of us are.

THE COMMISSIONER: Still probably faster than most of us I expect.

MS. CHOWN:

5 Q. In the 1970's, I understand that you also were active as a researcher, consultant and journalist, both in the print and electronic media, focusing particularly on sport, women and politics?

A. Yes.

10 Q. And as a result of your particular interests there, you've also given talks and workshops and presentations at many conferences in Canada, the United States, Britain and Australia.

15 And you are the co-author of a book, Women in Canadian Life - Sports, published by Fitzhenry & Whiteside?

A. Yes.

20 Q. And as well, as a result of your athletic skills, I understand that you participated as one of the first athlete representatives to a national sport governing body in the 1970's?

A. That's correct.

25 Q. Following from that, you were also a member of the board of the Canadian Track and Field Association, the Canadian Olympic Association and the

National Sport and Recreation Centre in the late '70's and early '80's.

A. That's correct.

Q. As a result of your appointment to
5 Sport Canada, you had to resign from your position as a member of the executive of the Canadian Olympic Association?

A. That's correct.

Q. And finally, in addition to receiving a
10 number of public service awards, I understand that you were appointed an officer of the Order of Canada in 1982?

A. That's right.

Q. Thank you.

MS. CHOWN: Mr. Commissioner, I wonder if
15 Miss Hoffman's Curriculum Vitae might be Exhibit 27.

THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 27: Curriculum Vitae of Abby Hoffman.

20 MS. CHOWN:

Q. Miss Hoffman, we've heard from Mr.
Makosky a description in some detail of the organizational structure of sport in Canada and we are looking forward to hearing from you the role of funding of sport on the
25 national level, and I wonder, before we embark on that, if

you could simply outline for us in very general terms what are the kinds of things in sport that must be funded at the national level and what the sources of those fundings -- that funding is?

5 A. Well, I think, as you have stated, we've heard already in testimony the nature of the sport system from an organizational standpoint primarily and it's obviously very diverse and very complex and the same sorts of arrangements of almost equal complexities and
10 diversity exist when we speak of funds.

 On a very simple and practical level, there are at least three things that are required for an athlete at any level to undertake their involvement in sport.

 First of all, they must have, of course, a
15 physical facility, be it a playing field, a gymnasium, a pool or whatever it might be in order to practice the sport in question.

 Secondly, there must be programs for training and for competition which are, generally, in
20 organized competitive sport organized by some body at some level or another in the system.

 And thirdly, human resources are required. The athletes themselves, of course, but as well and very importantly, the coaches, the officials and the convenors,
25 the organizers and administrators and various other

technical leaders in sport. I think at any level of the sports system all three of those broad components are in play.

5 In terms of, and in an equally sort of
generalized fashion, one could talk about the three
essential sources of funds that also come into play at any
level of the system. There is always, or virtually
always, public sector funding of one kind or another. It
may simply be the physical facility where the sport
10 activity is occurring. It may be a municipally-built
arena or recreation centre or baseball or softball field
or whatever is required. But, in any event, there is
public sector funding.

15 There is what we might call private sector
funding and that means a broad array of potential funding
sources that could be involved. It may be that a sport
body, whether it's the local softball league or provincial
or national organization, will raise monies by member
fees, by the sales of rule books or other articles to
20 those who participate in the sport or it may be that that
private sector funding has more of a commercial or
corporate dimension to it.

25 On a local level, Joe's gas station may
decide to sponsor the local softball or hockey or soccer
team, for example. That's a source of funding that really

comes from outside the sport community; it comes from the community more broadly defined.

And at the national level, of a similar nature, there may be a much larger scale corporate sponsorship. But that's funding from the private sector.

Then, of course,, there are the personal contributions that virtually every athlete at every level of the system brings to their involvement in sport, whether it's the cost of travelling to their practices and competitions on a regular basis, whether it's personal equipment or clothing that may be required for the sport, whether it's the day-to-day living costs, incremental training cost that we'll discuss later on, for a high level athlete.

But, in any event, there is very considerable personal and that's personal in the sense of deriving from the individual athlete or the athletes family that's a requirement for participation in sport at any level of this system.

So there are, in effect, those three sources: Public sector, private sector and personal resources.

THE COMMISSIONER: Let me interrupt for one minute. You are the Director General of Sport Canada?

THE WITNESS: That's correct.

THE COMMISSIONER: And there's another
Director of Fitness Canada?

THE WITNESS: Yes.

THE COMMISSIONER: And I gather that what
5 you are involved in is what we might called organized
sport. Is that what the difference is?

THE WITNESS: That's right. We're primarily
concerned with organized competitive sport activity, not
necessarily leading to high level international
10 competition, but I think the key concerns we have are in
the organized competitive sports sphere.

THE COMMISSIONER: Thank you.

MS. CHOWN:

15 Q. Miss Hoffman, in order to understand
the particular role of Sport Canada and funding organized
for it, I understand that you have prepared for us an
overhead entitled: The Sport-Specific System Model?

A. That's correct.

20 Q. Thank you.

MS. CHOWN: And counsel have been provided
with a hard copy of that.

THE COMMISSIONER: Yes, I have that.

Exhibit 28.

25

--- EXHIBIT NO. 28: Overhead entitled: "The
Sport-Specific System Model"

MS. CHOWN:

5 Q. Thank you.

A. I think it was felt that this model
could be a useful way of trying to understand what exists
within the sport system, and I'm speaking here primarily
of the system of any one particular sport, and in order to
10 ensure that this has some utility in terms of
understanding the financing structure, I'd just like to
take a moment to explain what, in fact, is actually
exhibited in this model.

I should say, first of all, that this is a
15 generic model. It's not the model of any particular
sport. It would be adapted and perhaps drawn a little bit
differently if it were to be the model for swimming or for
figure skating or whatever.

But I'll just explain the general
20 characteristics and I think that might be helpful.

Q. Just so we're clear before you start,
this refers solely to organized sport?

A. That's correct. I think the best way
to think of this is that everything that's sort of
25 contained within the boundaries of this model is organized

competitive sport activity, what we might call unstructured physical recreation or unstructured personal fitness activity, even if it's occurring using the medium of a particular sport.

5 For example, a recreational jogger will not be found anywhere in this model unless he or she ---

 THE COMMISSIONER: Or a tennis player, please?

 THE WITNESS: I was hoping, Mr.

10 Commissioner, not to use that example right off.

 A recreational tennis player likely wouldn't be found contained within the model unless he or she decides they wish to compete in some organized structure.

 THE COMMISSIONER: You never sought me out.

15 THE WITNESS: There is an opportunity through what you'll see, it's called, adult entry for you to get into this model.

 MS. CHOWN:

20 Q. It's never too late.

 A. It's never too late. But, in any event, we are talking within the model about those individuals who were involved in organized competitive activity and the support structures and programs that have
25 to do with supporting that kind of activity.

It's probably worth just pointing out, the subject having been raised, that quite a few national and provincial sport bodies, in fact, do have some connection with the so-called unstructured non-competitive variant of their sports.

So the Canadian Cycling Association, for example, has what they call a recreation and transportation division which has to do with bicycle safety and building bike paths and what have you, but it's not for those who are involved in organized competitive activities.

So all of the shaded portions of this model are, in fact, athletes on a vertical axis; there is age. The face of this model, I want to under underscore, shows various levels of athletes who may be in a particular sport at any given point in time.

And those athletes, if we can generalize, really fall into one of three broad dimensions. They are either at the entry level; that is, they are individuals who come into the system, they are recruited either through community, promotional and information activities or because of a family interest or perhaps an interest nurtured in school. And they come into the sport system into programs where they learn basic skills, the rules of the game and after learning some skills, start their

initial competitive involvements.

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Once they have passed through that entry level then they are pretty much streamed with some variance from sport to sport, but they really enter one or the other of two systems.

5 One is what we call the domestic stream which really involves all of those athletes who are either by virtue of their ability or their interest in aspirations or perhaps in some case their economic means simply choose to be involved in sport as a competitor for
10 competition sports own sake, for personal development in improvement, but not with any international or even national competitive aspirations.

So those are athletes who come into the system and hopefully -- and this is why the model is
15 displayed this way -- they remain in that sport for as long as their interests last and naturally we hope that's a considerable period of time.

Q. Can you just assist there as what is the difference between a low intensity athlete and a high
20 intensity athletes.

A. Sure.

We are talking here not necessarily about the emotional commitment necessarily of the athlete because we know a quite recreationally oriented athlete
25 may have quite considerable emotional intensity, let's

call it, but we are really talking more probably about the relative amount of training to competition.

So a low intensity athlete would be likely someone who might practice once a week and play a game or enter a competition once every week or two, or perhaps, as in some cases, may indeed not practice at all, the only outlet of their activity may be in a competitive mode. I am generalizing here, I am talking about an individual playing oldtimers' hockey for example, who would likely play many more games than they will spend hours practising.

A high intensity athlete would be someone who may still harbour some aspirations to become a very successful competitor, or they may not, but they are still training at a reasonably intense and frequent level. They would be more likely to be training on a year round rather than a seasonal basis, for example. But that will vary also from sport to sport.

So those are athletes in what we call the domestic stream or the domestic system. The other stream is the high performance area and that's depicted by this traditional sort of pyramidal portrayal of the high performance systems, and there are many strata within that system, and as these brackets indicate there are some general responsibilities as between the provincial and the

national level for athletes who pass through this stream.

I think it's worth pointing out that this relative size of all of these boxes are intended to show the relative numbers of athletes in the entry level, the domestic and the high performance streams and, if anything, the high performance pyramid is probably quite exaggerated. There would be very few sports where the relative percentage of athletes in high performance activity is in fact reflected accurately by the size of this pyramid, relative to the rest of the model, but what we are wanting to say here is the high performance system is very much part of the total system for that particular sport.

Q. Can I stop you there.

In terms of overall numbers of athletes completing, both in the domestic stream and high performance stream, what would we be talking about?

A. I think one has to speculate a little bit here because there is activity going on in schools and at the local reaction level where there is no -- and there is no national registration process, so it is extremely difficult to count these athletes, but I think that an estimate of somewhere in the neighbourhood of 5, 6, 7 million athletes would not be unreasonable.

THE COMMISSIONER: And that doesn't take

into account all the volunteers and so on that work to organize competition.

THE WITNESS: It might even be slightly larger than that. If all of the people who are encompassed by the ---

THE COMMISSIONER: I was wondering about the numbers here, what I might call your constituency, that is the people which also would include your coaches, the organizers and also the volunteers for all the sports federations.

THE WITNESS: My sense would be that the number would be in that case slightly larger, that we might be speaking 7 or 8 million people, because there are after all parents of many children involved in minor league sports will make some contribution in a voluntarily way to the conduct of that activity at the local level. So if we include those people I think we would be talking about 7 or 8 million people.

THE COMMISSIONER: I am thinking of those who volunteer to assist national sports organizations.

THE WITNESS: Yes, I think it's often difficult to distinguish between those who are sort of purely working at a national level and those who are lower down in the system because really much of the activity occurs at this sort of early youth sport level.

MS. CHOWN:

Q. And again, staying with numbers or percentages for a moment, you indicated that high performance stream is really disproportionately represented on this diagram. In terms of percentages, what percent of this 5 to 7 million athletes participating in organized sport would be high performance athletes.

A. I think I would have to give some examples from particular sports, and you are quite correct in saying in general the high performance segment is slightly over representative in size terms, but there are some sports where, in fact, really, the only athletes are either entry level or high performance and since Eddy the Eagle has already been raised in the testimony so far, perhaps it is a good sport to use as an example.

In ski jumping there are those who are learning to ski jump, and as soon as they are ready to tackle a larger hill then they are doing that sport on a very serious level. It is not the kind of sport that one gets into on a sort of recreational basis, let's say.

So in that sport there is very little of this domestic system. On the other hand, if one were speaking of swimming or tennis or a sport like that, we would be talking about, perhaps -- depends on the age, but the over whelming majority of the athletes would be in the

domestic system and perhaps 10 percent, possibly even fewer of the athletes in that sport would be in the high performance system.

If one were to use some general figures
5 derived say from --

THE COMMISSIONER: We have heard very large figures of figure skating which Mr. McCreath is an expert on he tells me.

THE WITNESS: Skater or --

10 THE COMMISSIONER: Figure skater. I think someone said 175,000, is that the figure someone said yesterday?

THE WITNESS: Yes, it is certainly in that range.

15 THE COMMISSIONER: How many of them would be in the high performance group percentage wise?

THE WITNESS: Probably, I would say, less than 5 percent at any time competing in competitions from the divisional level on up, and that would be sort of
20 somewhere in this neighbourhood of this model.

THE COMMISSIONER: I'm sorry. Go ahead, Ms. Chown, you want to pursue that I guess.

MS. CHOWN:

Q. And following up on the ski jumping, I
25 presume that sports such a luge and bobsled and so on

would also be ones which are predominantly high performance?

A. That's right.

And certainly, if they are not exclusively
5 high performance, most of the athletes would be at least in the high intensity stream, and they might very well stay in the high intensity area until they reach the point where they realized they probably don't have a career as a future national level or international level competitor.

10 Q. Looking at the high performance triangle, I think it's clear that you are starting out with a talent identification pool and then working up through the provincial ranks. What is the section called Espoirs?

15 A. It is simply an athlete who is probably beyond junior age and has potential to be a national team member but has not yet reached the standard that is required in that sport to be a national team member, and by and large again, bearing in mind that is sort of a
20 generic portrayal, a Espoirs level athlete is more likely to exist in a sport where the age at which an athlete reaches their peak performance is somewhat older.

So for example, in a sport like cross
country skiing where the best athletes in the world are
25 perhaps in their late 20s or even earlier 30s there are

lots of athletes who are well beyond junior age who have excellent prospects for future international involvement but who are not yet on the national team, but they are of great interest to the national sport body and will be encompassed in the programs run by that national sport organization. In track and field the same sort of thing would apply.

However, if we were talking about women's gymnastics with an average age of Olympic level athletes, of say 17, then they don't even in that sport really have a junior national team, because by the time one reach junior age, normally under 20, you may in fact have concluded your serious competitive involvement.

Q. On the left hand side of Exhibit 28 there are a series of layers of organizational structure, training environments, sport science, officials, competitions and coaching. Just relate those layers to the face of the diagram.

A. Well, as I said earlier, at the face of the diagram are the athletes. These slices, if you like, on the third dimension of the model are in effect the critical components and programs or elements, it doesn't matter what they are called, that really support athletes at any level of the system. And these are not all of the elements, but they are certainly some of the critical

once, the competition -- well, coaching, first of all, there must be technical leadership if athletes are to develop, regardless of their aspirations, competitions, officials for more advanced athletes, sport science, for all athletes a training environments, and that really refers to the facility or the local club or whatever the sort of institutional venue, let's call it, that an athlete must belong to in order to have a regular sort of organizational entity that organizes what they are doing in terms of training and competition.

The organizational structure dimension here really refers more to the sport body, the national sport organization, provincial sport organization, local sport body network that has been discussed earlier in this week.

Q. And this morning when we go on in some more detail to explore the funding provided by the Federal Government at the national level of sport it is these layers on the left hand side that we will be coming back to from time to time?

A. That's correct.

I think that one can look anywhere in in model and almost take any level of athlete, and the desired state is to be able to not only state ideally what should be available in terms of these various program components, but in fact when we talk about building a

Canadian sport system we are talking about trying to make sure that in fact all of those elements are in place and they are in place in some graduated progressive fashion. So that every level of athlete in this model has coaching service available to him or her to support the level of development that they are at as an individual.

Q. Thank you.

I would like to turn now, if I could, specifically to federal funding and your responsibilities in that regard as Director General of Sport Canada.

We heard yesterday that Fitness and Amateur Sport has a budget of approximately 70 million dollars, and of that, approximately, 58, 59 million is distributed directly to sport bodies.

Can you tell me, just in very general terms, what your responsibility, as Director General, is with respect to the allocation of those funds.

A. Well, the funding that is allocated through Fitness and Amateur Sport to Sport Canada goes in a number of areas. The most significant or certainly the largest one being in the form of contributions to the national sport organizations that have been discussed earlier. A lot of our work in Sport Canada has to do with assisting the sport bodies with mapping out and planning their broad structure of programing, working with them on

submissions to the Federal Government for funding on an
annual or periodic basis in the case of certain programs,
making some initial recommendations then which are taking
forward to the minister, ultimately for the allocation of
5 those funds among the various programs that we conduct,
and as well the proposed allocations to the individual
sport bodies are ultimately taken forward for ministerial
approval.

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Q. And when you have talked about funding national sport organizations again, and this may be covering something we have heard before, how many single sport organizations do you fund?

5 A. There are approximately 60 different sports that we deal with, and I think, as was mentioned, there are a couple of sports that have multiple bodies that are actually in the process of becoming a single organization for the development of that sport in Canada.

10 Q. And apart from funding specific single sport or multi-sport activities, I understand you also support service organizations such as the Sports Medicine Council of Canada?

A. That's correct.

15 I think one could classify them without going into all of the categories but there are organizations that have a scientific or medical orientation, the Sport Medicine Council, and the four so-called provider groups that are part of the Sport
20 Medicine Council of Canada for physiotherapy, therapy, sport science, sport Medicine.

25 Then there is a very important and the largest recipient of funds in the multi-sport service organization grouping, namely the Coaching Association of Canada. There are the games franchise-holding agencies

that were discussed, the Canadian Olympic Association, the Commonwealth Games Association of Canada.

There are bodies for the governments of post-secondary school sport, the Canadian Colleges Athletic Association and the Canadian Inter-University Athletic Union. And there are a few others which, I guess I could say, defy categorization, such as the Hall of Fame or the Sport Federation of Canada which is more of an advocacy regrouping umbrella-type organization which was also discussed earlier.

Q. Before we get in to some more of the detail with respect to the funding of national sports organizations, I think we should have it clear that the funding the Federal Government provides to these is not the exclusive source of funding for them?

A. No, it isn't. And I think it's very important to underscore that while the Federal Government is certainly far and away the single largest contributor of funds to the vast majority of these organizations, that there is in virtually every case, a few exceptions, but virtually in every case, these organizations do generate their own resources.

If one were to take all of the national organizations that are supported through the contributions of Fitness and Amateur Sport through Sport Canada, the

ratio of funds from the government relative to funds from non-governmental sources is in the range of 56 percent government funding, 54 percent non-government funding.

5 THE COMMISSIONER: What about the provinces?

THE WITNESS: The provinces will fund their own, I guess you could call it, immediate constituency of sport organizations, the provincial sport bodies. We don't have a figure for government to non-government supportive provincial bodies. My guess is that it would
10 be in a similar percentage range.

I think I should point out also that that figure I have just given, 56-44, includes all of the multi-sport organizations as well as the single-sport
15 bodies. If we are speaking of the single-sport bodies, the overall ratio isn't terribly different, but within the group of national sport bodies the norm is much more likely to be about 65 percent or even 70 percent government funding and 30 percent from the sport body's
20 own self-generated fund raising efforts. There are a few very large sports ---

THE COMMISSIONER: What's the contribution from the private sector? Would that be in the 40 percent odd?

25 THE WITNESS: That's correct.

And in the case of certain sports, such as figure skating or tennis or ice hockey or alpine skiing, and there are others, that's not a complete list. Those sports are very successful at raising money in the private sector and indeed from their own membership.

If in the case of figure skating there are 175,000 registered skaters at any point in time and those skaters are involved in skill development programs which the national body is organizing, some money from each of those 175 individuals is going to find its way to the national body during the course of the year. And we call that kind of fund generation internal self-generated funding. It comes from the individuals who are involved in that sport.

At the same time, to continue the figure skating example, they may and they do, in fact, run a number of quite high profile national and international competitions each year which are televised and there are corporate sponsors of those particular events. There are T.V. rights fees that are acquired. And so the -- what we now call the external self-generated funding of the national sport body is coming from outside the immediate figure skating community. It represents a very significant portion of the budget of a sport such as figure skating.

MS. CHOWN:

Q. And just to take the converse of that, I understand as well there are sports that, for a variety of reasons, do not hold the public interest in that way, and therefore have great difficulty in generating external funds.

A. That's correct.

And in fact, they often have considerable difficulty even with what I am calling the internal self-generated funding, because their membership base is very low. So even if there were, and often there is not, but even if there were a method of directly registering athletes with the national body, as opposed to the provincial affiliate, the numbers of athletes are so small in a sport such as bobsleigh or luge or ski jumping, to cite some of those examples, that they may be very successful on a per capita basis in generating money from their own athletes, but that athlete base is so small that the total amount of money that's garnered through that means is not insignificant, but it certainly doesn't represent a significant portion of the total financial outlay by the organization.

Q. Now, I understand that you have prepared an overhead setting out Federal Government

funding through Sport Canada for a four-year period between 1985-'86 and '88-'89. I wonder if we could look at that now.

Mr. Commissioner that would be Exhibit 29.

THE COMMISSIONER: Thank you.

--- EXHIBIT NO. 29: Document entitled "Sport Canada Funding"

MS. CHOWN:

Q. Now, Exhibit 29 is to show us principally two things, as I understand it.

First of all, the sectors that are funded through Sport Canada, which includes the national sport organizations, but touches on some other areas. And as well, to supply detail as to the extent of the funding that's been provided.

I wonder if we could start first and just have you identify the sectors that are funded by Sport Canada?

A. Yes.

And let me just note before identifying these broad sectors or program areas of the Sport Canada budget, that this particular page shows the federal

contributions, that is funds that are given ultimately or are received ultimately by individuals or organizations outside of the Federal Government. The day-to-day operating and administrative costs of Sport Canada are not displayed on this particular overhead. And the cost, approximately, for the ongoing administration, salaries, and operations of Sport Canada are in the range of four to five million dollars a year. So, operating costs are not here for Sport Canada.

The four broad areas are, first of all, national sport organizations. And I should point out that, I guess what is perhaps self evident here, that we are looking at a four-year display. This really represents the current fiscal year in this last column and the preceding three years of the quadrennial.

National sports organizations, and we are talking here about funding that is provided to that full range of single and multi-sport bodies which operate programs at the national level.

Secondly, there is support provided for individual high performance athletes through the Athlete Assistance Program of Sport Canada.

The third area --

THE COMMISSIONER: Going back to anti-doping program, that's a half million dollars, is that what it

reads?

THE WITNESS: That's correct.

The third area is the Canadian Sport and Fitness Administrative Center. And the reason that the initials or acronyms NSRC is still listed here is that until very, very recently that building, that administrative house for sport and fitness organizations was known as the National Sport and Recreation Center.

And fourthly --

THE COMMISSIONER: That's the new one now that you missed the opening of last night?

THE WITNESS: That's the one. But we hear it's still standing satisfactorily.

And then the fourth broad area is the Canada Games and Sport Event Staging or Hosting. So, those are the four broad areas in which Federal funding for sport is appropriated if one looks at the estimates display of funding for sport.

MS. CHOWN:

Q. Now, we are going to come back and deal with those in more detail, but turning for an overview of the figures, first of all can you tell us why the four year information was chosen?

A. I think in general in the sport system there is a tendency to plan in four year chunks simply

because that represents the normal Olympic quadrennial cycle. The games are held every four years and while there are of course many non-Olympic sports that we deal with and there are many programs that really aren't in a major way influenced by the Olympic cycle, it's nonetheless a convenient medium to long-term planning horizon and that's why we use it.

Q. So, this was leading up to the Olympics in 1988?

A. That's correct. And although the last column does in fact show Federal funding because of the fiscal year up to March 31, 1989.

Q. Okay. And just looking very briefly then at the total of funding distributed through Sport Canada in 1987-88 in total that was \$56.9 million?

A. Yes.

Q. And in general terms, by far the largest portion of those funds went to the first sector to the national sport organizations?

A. That's correct.

Q. Now, I would like to come back and talk about each one of these in a little bit more detail. So, returning to national sport organizations which received in 1987-'88, \$42.7 million through Sport Canada. Could you describe first of all what these various components

are that are listed under the sector?

A. Yes. And I am really in a way explaining why this overview of the Federal budget is displayed this way. We have in each case as you can see
5 under each of the sectors something called base funding. That's an ongoing level of commitment that the Federal Government has made of some considerable long standing.

In addition, from time to time, there is further funding allocated for some specific designated
10 purpose, usually arising from a formal submission to Cabinet. And all of the approvals that occur at that level.

In this past quadrennial, we have had a number of special appropriations of that nature or at
15 least for this past quadrennial. We have had two programs called Best Ever, covering winter Olympic sports. First of all, that was a program approved in 1983. And then summer Olympic sports approved in 1985. And these were special programs that were designed and for which money
20 was requested that had very specifically to do with the development of Canadian high performance athletes, in particularly the preparation of athletes for Olympic games in Calgary and the summer Olympics then in Seoul.

Q. Do you expect that financing to
25 continue into the next quadrennial?

A. The winter money, which is the third line, has in fact, even though we are now in to the next quadrennial, the Calgary Olympics obviously are now almost a year past the initial round of funding for the Best Ever winter program ended on March 31st, 1988. The program has been renewed. The first year of the new program is the \$5.5 million shown on that line in the last column.

The Best Ever summer program renewal is under consideration at the present time.

We did for a while have a separate budget line for the Best Ever hockey program which had to do with the preparation of Canada's Olympic team for the Calgary games. For various reasons, mainly administrative, all of the special winter money has now been collapsed into a single line. So, within the \$5.5 million, that is money for both hockey and all the other winter sports.

The other items in that line again representing sort of separate submissions or some other special consideration, a Commission for Fair Play, was established in 1986. And the funding for that came through a special Cabinet decision.

In a similar manner, the last line, the anti-doping program, funding for that was requested in 1984-5, and it also was approved as a special

appropriation.

THE COMMISSIONER: Is that the first year that there was a special allocation of funds?

THE WITNESS: Yes, it was. Yes, it was.

5

MS. CHOWN:

Q. Now, we are going to come back and hear in much more detail about the anti-doping program, but very generally those allocated funds go for what?

A. The anti-doping program?

10

Q. Yes.

15

A. The majority of those funds actually go first to the Sport Medicine Council of Canada but primarily with the purpose of paying the cost of the contract between the Sport Medicine Council and the laboratory where the analysis of samples taken during doping controls is under taken. It's not all of the money but it's a very large portion of it.

20

Q. The only line you haven't touched on is the Olympic Endowment Fund where we see figures for '86-'87 and '87-'88 only?

25

A. Yes, and the reason for that is that was a special allocation of money from the Federal Government's \$200 million contribution to the Calgary Olympics and during the last two years, the year before and the fiscal year in which the Calgary Olympics occurred, the Federal Government was able to have access to the interest on one of the endowment accounts that was established using federal funds.

The Federal Sport Department was able to have access to that interest to make contributions to the Winter Olympic sports. And so, that fund, as soon as the Calgary Olympics were over, the fund reverted to its original purpose which was to help pay for the ongoing operating cost of the Calgary Olympic facilities in the period following the ending of the Games which was also the period when, in effect, a national training centre or training centres for winter sports were being established in Calgary to make maximum use of the Calgary facilities after the conclusion of the Games.

So, that was a special two year funding arrangement which no longer exists for us.

Q. Looking then at the totals for national sport organization over those four years, we see a fluctuation from the \$35.7 million in the first year of the quadrennial, then to a high and then dropping down

after that.

Is that kind of fluctuation typical within the four year period?

5 A. It is, and I think there's probably more detail than we might need to go into here.

THE COMMISSIONER: The difference really is the Olympic endowment fund?

10 THE WITNESS: It's, in part, the Olympic Endowment Fund, but it's also the fact that the Winter Olympics occurred in the fiscal year, 1977/78. The Summer Olympics occurred in the fiscal year '88/89.

15 So the fiscal year '88/89, because it's the year immediately after the Olympics, the winter monies, as you can see, have gone down somewhat, in part because of the Olympic Endowment Fund, in part because the sort of peak year for Winter Olympic sports was '87/88. We've started the next quadrennial with slightly less money for winter sports than we had in the Olympic year for winter sports.

20

MS. CHOWN: Staying with the national sport organizations, Mr. Commissioner, I wonder if we might turn back to Exhibit 14 which is the Fitness and Amateur Sport Annual Report, 1987/88?

25

THE COMMISSIONER: May have your copy, Mr.

Registrar. I left mine in my office.

THE REGISTRAR: By all means.

MS. CHOWN:

5 Q. If we turn to page 36 of that document,
it gives some detail with respect to the breakdown of
amounts of funding given to particular national sport
organizations that I think would be of some interest to
the Commission.

10 A. If I may, Mr. Commissioner, just note
that the amounts displayed here for each individual sport
body do not include those contributions paid through the
Olympic Endowment Fund and there is a small note to that
effect on the previous page on page 35 indicating that
15 \$4.8 million was, in fact, paid to the winter sport bodies
through the endowment funds.

So, these totals are, I don't want to say
misleading, but they do not include a fairly sizeable
chunk of funding.

20 Q. But they would provide us some
guidelines as to which national sport organizations
received the bulk of the funding?

A. Yes, very definitely.

Q. Can you assist us by indicating how
25 many national sport organizations would receive over a

million dollars of funding from Sport Canada?

A. They are currently eight organizations, eight sports that receive over a million dollars.

Q. And can you tell me what those are?

5 A. I think so. Track and field, alpine skiing, figure skating, hockey; I believe the combined total of men's and women's field hockey, basketball.

Q. Swimming?

10 A. Swimming and it's either gymnastics or soccer, I'm not sure which. Both of those would be very close to that figure.

Q. And for instance, if we take one of those Canadian Track and Field Association, is indicated in this report, as having received a total funding from Sport Canada of \$2.1 million within the '87/88 fiscal year and a further \$91,000 from Fitness Canada for a total of \$2.19 million?

15

A. Yes, that's correct. Track and field is far and away the largest recipient, as far as individual sport bodies are concerned.

20

THE COMMISSIONER: That comes a great deal of athletics. It's not just running?

THE WITNESS: Exactly. A national team in track and field, especially if one factors in the disciplines of, say, cross-country running or race walking

25

or road running, it would probably total almost 100 or more than 100 athletes. So, the national team in track and field is far and away the largest of any sport.

5

MS. CHOWN:

Q. In general terms, can you tell us how a national sport organization goes about seeking the funding that is displayed here from Sport Canada?

10

A. Yes. And perhaps I should just point out that, first of all, that these funds that are contributed to national sport organizations, will come in one of two forms.

15

The majority of these funds that are displayed here are contributed to the national sport organizations in the form of what we call core support. That is, funding for the ongoing administrative and programming activities of the national sport body, and I'll identify what those are in a moment.

20

The other kind of fund that a sport body may get from Sport Canada comes when that sport body applies for funding for a particular program. It's not part of their annual core submission. They apply once a year for funding in one of our programs such as sport science support on applied support research or marketing or official languages or the women's program or one of the

25

array of individual programs, each of which has its' own application and review process.

But the bulk of this money that's identified here, about \$28 million of this total goes to the sport bodies for core support.

Now, in terms of how that process works, once a year the sport body prepares a submission, an annual submission, for core support. They generally submit that sometime in the early to midwinter period, the period that we're in just now, in fact.

That submission is prepared, I guess, drawing from two prime sources. One is the multi-year plan that the organization has developed and the second is the guidelines which are quite detailed. There is a set of federal guidelines for core support. So, there is some matching up, obviously, of the multi-year plan and all the activities and the structure and operations of the organization that it proposes for itself and it must fit, of course, the activities in that plan to the funding categories through which Sport Canada funding is ultimately allocated.

So, sometime in the early to midwinter, a submission is made to Sport Canada. The submission is reviewed at some length, exhaustive and exhaustingly, I think one could say, and a number of factors, of course,

are taken into consideration but, ultimately, a recommendation for funding to that sport in each of the funding lots through which core support funding is contributed, that funding recommendation is taken forward
5 to the minister.

Once that approval, at the ministerial level, or alteration is made, then funds start to flow to the sport body for the immediate upcoming fiscal year.

We will generally have tried to provide to
10 the sport body a kind of approval in principal of a multi-year plan. So, there is an annual submission process but the hoped for situation is that the sport body is not required because of idiosyncrasies in the funding, decision-making process. The sport body, we obviously
15 don't want to and they don't wish to be forced into, wild chains of directions on an annual basis.

Q. What are the factors that Sport Canada takes into account in assessing and approving budgets?

A. Well, there are quite a few factors.
20 One of the principal ones is simply the classification or categorization which is really a way of saying the relative priority of the sport. We have a formal system called the sport recognition system which, in fact, provides us with a common standard for assessing and then
25 classifying or ranking all of the individual sports that

we deal with.

That recognition system, I believe Mr. Makosky mentioned it in earlier testimony. It starts with a set of criteria, even for a sport body to be recognized by the Federal Government in the first place, and hence we have the 60 bodies.

Beyond that, once the sport and its national organization has met the criteria, we measure the scope and success of that organization according to two standards.

One is what we call domestic criteria or domestic category which simply has to do with the numbers of registered competitors in the sport in the country. It's a very simple measure, but having tried all others, it seemed to have some simplicity that was also, we think, a reasonably accurate indication of the scope and the presence of the sport in Canada.

The second factor is the high performance ranking of the sport and in that case, if it's an Olympic sport, the ranking of the sport at the Olympic level is used as the prime criterion for measuring and then classifying that sport. If it's a non-Olympic sport, then world championship results are used.

And there is a rather complicated sort of formula, if you like, for determining the high performance

ranking of the sport.

Those two factors, the domestic ranking and the high performance ranking are then combined and there is an overall ranking for the sport that's obtained.

5 Q. So if I can just stop you there, if we take the recent Olympics and the success of the synchronized swimming participants, would that be a factor that would then change their funding when they apply in the next quadrennial?

10 A. It would a modest degree and the only reason I'm saying to a modest degree is that they were in Los Angeles where there only was -- well, there -- synchronized swimming, as a sport, has a very small number of events and They were extremely successful in Los
15 Angeles, slightly more successful, obviously, in Seoul with the two gold medals, but they were as close to the top of the heap as our system goes.

20 Our system is not one that makes a major distinction between the colour of medal or, indeed, does it make a great distinction between medals or, as was explained by Mr. Makosky, between medals and top eight finishes. We look to top eight finishes as an indicator certainly in individual sports of world class achievement.

25 But, yes, all of the sports are being re-ranked, using the Seoul results and that will have some

influence on their funding but I want to make it very clear that there is no sort of formulaic relationship between the ranking of a sport and the amount of money it eventually gets. It certainly is an influencing factor but to continue with the synchronized swimming example; synchronized swimming, yes, was clearly the most successful sport, as far as Canada is concerned, at the Olympic Games. Two events, two gold medals. It's not possible to do any better than that. And they have an excellent program structure and system that is wide. They have consistently had athletes among the very best in the world.

Q. Do they have high numbers of participants registered as well?

A. They don't have huge numbers, but they have in the range of, I would have to check to be sure, but somewhere in the range of 10,000 individuals involved in the sport, involved in competitive programs of one sort or another.

But I think the major factors that have to do with the funding have probably more to do with the structure and nature of the sport and its size. A national team program, for example, in a sport with a small national team, in terms of numbers of athletes, will clearly cost much less than a national team training in

competition program for a sport such as swimming, with a national team of 40 to 50 athletes or athletics with a national team of 100 plus athletes.

5 The structure of the sport, for example, whether it's a team sport where athletes are centralized all year round in one or more training centres, as opposed to a team sport that is chosen to organize itself and prepare its athletes in a network of four or five centres each requiring a coach, will have a very different funding
10 profile as a consequence.

 So, it is very difficult to say here's where the sport ranks and, therefore, that's how much money it gets. There is a general correlation and perhaps on the basis of the structure of the sport, a good distinction
15 would be track and field and swimming.

 Swimming has a very, very strong club structure. It's possible, as we characterize it, for an athlete to go from the sort of sandlot level to the Olympic podium while belonging to the same club throughout
20 their entire career. And much of what that athletes needs, as an individual, will be provided in that local club using a lot of locally generated resources.

 On the other hand, in track and field, while it is also a club based sport, I think it's generally
25 believed that the clubs are not capable of providing all

of the kinds of things that a high performance athlete needs and, as a result, in track and fields' case, they have established a network of what are called high performance centres for various events, event areas in a
5 that particular sport.

But, the national body must and provincial bodies must establish those centres and cover costs for coaching, for facility rental, what have you, that would, in the swimming example, be covered locally.

10 What all that means, it takes a great deal more money to sustain the high performance system for track and field in terms of national and governmental resources than it would for swimming.

Now, there may be other aspects of swimming
15 that are more expensive than track and field but by the time all those factors are taken into account, even such seemingly minor ones as whether the world championships are in Milwaukee or Manila. We'll skew the funding for a particular sport relative to that recognition system I
20 spoke about.

Q. You've touched very briefly on the funding of high performance sport. I wonder if we could come back to that now and....

THE COMMISSIONER: Before you do that?

25 MS. CHOWN: Yes?

THE COMMISSIONER: May I ask a question about the Canadian University Athletic Union. What rule does Sports Canada play with intercollegiates, what I called intercollegiate sports?

5 THE WITNESS: The CIAU, the governing body for the inter-university sport, governs, as I think was mentioned earlier in testimony, governs the national university championships in each sport, and we make a fairly considerable contribution to the CIAU, both for its
10 national -- well, I shouldn't say both -- for its national championships, to help subsidize the cost of travel for a certain range of intercollegiate competition that occurs in the conference level, particularly in those conferences that are more geographically -- where the member
15 institutions are more geographically ---

THE COMMISSIONER: What about football?

THE WITNESS: At the present time, we don't contribute directly to football within the CIAU. Some small amounts of money, through what are called a travel
20 subsidy fund, will find their way down to intercollegiate games at the conference level.

But it's an example where, for example, the national intercollegiate championship in football, the Vanier Cup, is able to generate enough money to cover the
25 cost of the participating team, so we're not required to

contribute to that. But the CIAU does have a couple of other roles.

One is that they are the franchised holder for the World University Games, which is an important international competition. It's the most frequently held international games, both winter and summer games. The CIAU convenes the team to participate on behalf of Canada in those games. That's an important role for the CIAU.

At least as important, in terms of trying to build a Canadian system that's sort of logical and progressive, because there's so many sports that are played primarily at universities, basketball, volleyball among others, even sports such as wrestling, we're very concerned that university sport and sport in the rest of the system be on some kind of convergence course.

So we spend a lot of time and energy working with the CIAU to help synchronize their programs, the university sport program, and the sport program that's convened and organized by the national sport body, say, for basketball, simply because the national team in basketball may, to a significant degree, be recruiting players who have been through the university system.

THE COMMISSIONER: But unlike other organized sports, which we're going to hear about carding and funding, that doesn't reach out into intercollegiate,

say, football or hockey?

THE WITNESS: We have, from time-to-time, been involved in funding some university hockey activity. But again, it's a little bit similar to football where there are other sources of funds for much of the intercollegiate program in hockey. So our funding for the CIAU championships covers sports such as basketball, volleyball, wrestling, soccer, field hockey and so on. But it doesn't directly cover football and ice hockey at this time.

THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. I wonder if you could briefly touch on how the high performance team benefits from the funding that we're talking about, and you might put back on Exhibit 28.

We're dealing with that triangle -- and I'm sorry, can I go back to one question that I meant to ask you about that. I asked about you about Espoirs as a level in the high performance team. I didn't ask you to distinguish between the national team and the national squad which appear as levels immediately above that?

A. Let me say again, this is a kind of generic model and depending on the sport they may have

more levels, fewer levels, and in all probability somewhat different nomenclature. But, the national team, I guess we would think of as that group of athletes who actually would attend events such as the world championship or the Olympic Games. They're the ones who will ultimately be selected. You might almost called them the travelling national team.

The national squad will likely include quite a few more athletes than those who actually, let's say, get on the plane to go to the world championship. So that in basketball, for example, there might be a training camp that runs through the months of May and June, that may start with as many as 60 athletes.

At some point, and it may be as late as a week before the team is scheduled to depart for a major international competitive tour or the World Championships, that team will gradually have been pruned down and the travelling squad of 12, 13, 14, players will have been selected and that will be the national team in that sport for that summer. And I think it's one reason why there are these arrows between the high intensity system and the high performance system, because some of those players who are, to use the term that's used in sport, cut from the national team, are not being cut and sort of swept into oblivion.

They are going back, for example, to CIAU programs or to other kinds of programs where their training is being carried on at a very intense level because they will be athletes who will be back in the system next year.

So the squad is simply the larger group of athletes who are probably training at the same level of intensity as the national team members, but they're not quite there yet.

THE COMMISSIONER: Or they may go back to, the low intensity athletes, to carry on as a pro but not for any more competition.

THE WITNESS: Sure, if they feel that they've taken their last crack at making the national team and it hasn't happened, they've tried three or four teams.

Again the desire is that they stay somewhere in the system and not fall out the right-hand side of this model.

MS. CHOWN:

Q. I want to ask you to speak specifically about what kinds of funding high performance athletes get, both how they are assisted through core funding and then what special programs and facilities are available to them?

A. Well, I think, first, I should identify that there are a number of those funding blocks that I talked about that end up within the core support program of the Federal Government, that end up supporting athletes in the high performance system, and those may be such things as national coaches, be those the national team coach or the coaches whose salaries are supported because these are individuals coaching in national training centres right across the country.

Certainly the national team training and competition program is far and away the biggest block of our funding that goes to the national sport bodies and this would cover the cost of training camps and the costs of travel to a whole series of competitions that a national team would attend over the course a year.

They're the costs of high performance sports centres, these training centres that I mentioned, where there are coaches and facilities and special services brought together to try to optimize the preparation of athletes.

There may be national team equipment that is being purchased through the -- through the core funding program. The national championships in that sport is another activity that the high performance athlete would be involved in, and again, that's one of the core funding

categories.

And then the whole sort of administrative management apparatus that is required to sort of sustain the relationship between the national sport body and the athletes that would be covered again through the core support program by our support of executive managerial and various technical staff.

In the high performance, for example, many sports have what is called a high performance director, an individual who is not a coach, but they're really responsible for the design of this whole system and in conjunction with the coaches for designing the national team, training and competition programs.

So, all of those categories of funding would ultimately bear on the programming that an athlete will be part of.

In addition, I mentioned earlier these technical programs; things like applied sport research or sport science support or programs that we fund through a body such as the Sport Medicine Council, the Health Status Support Program, or the Nutrition Advisory Service, those kinds of things. All of those will ultimately bear directly and are intended to get to the athlete as quickly as possible to support their day-to-day training and their on-going preparation for competition.

Q. Although that kind of funding is somewhat indirect, it has to come that way because a sport body wouldn't be able to fund itself the technical research required?

5 A. That's correct. I think even more importantly, I think the role of the national sport organization as a sort of really critical key entity when it comes to talking about the development of athletes in any one sport, is quite a paramount principal on which we
10 work.

And we want the national body to be in a position to be organizing and delivering programs to its high performance athletes that are appropriate to the level of athlete concerned and, therefore, we are
15 providing this funding to the national sport body, so it, according to a plan that makes sense for the structure of that sport, so that it can deliver, design, often in consultation with us but sometimes not, but so it can design and ultimately deliver that program effectively to
20 the athletes in its care.

Q. You touched briefly on high performance centres, as did Mr. Makosky. Can you tell us a bit about how these came to be developed and what they consist of?

A. Well, I suppose some of them emerged as
25 early as the early 1970's. In the period leading up to

the Montreal Olympics, a few sports, particularly team sports, decided the best way to prepare for the 1976 Olympics would be to collect all of the national team athletes or national team, plus some from the national squad, in a single location and expose those athletes to very intense training in the period leading up to the Montreal Olympics.

As I recall, volleyball and women's basketball, as examples, and water polo chose that particular path. So, we've had these centres going back to the early '70's.

But the real growth in centres occurred in the early and particularly the mid 1980's. And, in effect, these centres are a response to two -- well, to one weakness in the Canadian system and one missing element in the system.

The weakness is, and it's not confined to Canada I should point out, the weakness is that the clubs which in many cases are the fundamental institutional base for sport, simply do not have the resources to prepare athletes right up to the highest international level.

A local club, which has responsibility for the athlete whose parent drops him or her off at the pool door or the track gate or whatever, and has to deal with that athlete, may deal relatively successfully with

athletes at various levels.

But certainly by the time you get to the upper level, a club simply doesn't have the resources; human, financial, technical, technological, to prepare a high level athlete.

So the centres were designed to be a much more specialized entity where the things that athletes really needed, those who were in the upper levels of the systems, where those athletes could get the kind of dedicated high performance support systems and services that they would need to excel ultimately in the international level.

Q. That's both on the facility side and the coaching side and other support services?

A. That's right, and I suppose the facility side really represents what I'm calling the missing item in the Canadian system.

We are one of the few countries that currently have either a single or a network of dedicated high performance training centres that have been specially constructed for high performance athletes. Most countries - West Germany has a whole network of those kinds of centres specifically dedicated above and beyond the clubs that exist in that country but specifically dedicated for the preparation of higher level athletes. Australia has a single national multi sport training centres specifically built dedicated to high performance sport in Canberra and has satellite centres now in Adelaide and Perth. We don't have that.

So, the route we have taken which we thought at the time was certainly appropriate for our geography was to take advantage of facilities that exist primarily at universities but not exclusively, and to create high performance centres where we are really a little bit less interested in the bricks and mortar and more interested in getting the athletes and the coaches and the scientific and medical services and the education opportunities that many of these athletes are involved with congregated in one spot to try to optimize the preparation opportunities for these athletes.

So that's the origin of the centres program and we have moved from, I would guess, but probably fewer

than ten such centres in 1981 to over 70 centres today.

Q. I understand that there are already 2 such centres in the Metropolitan Toronto area?

A. Yes there are 2 centres in track and field in Toronto, one for multiple events, decathalon heptathalon and some field events at the University of toronto and there is a sprint centre located at the Metropolitan Toronto track and field centre which is located on the campus of York University.

THE COMMISSIONER: It provided the bricks and mortar that you talked about earlier.

THE WITNESS: In the case of the Metro track and field centre, that building was erected by the municipality of Metropolitan Toronto.

THE COMMISSIONER: All right.

THE WITNESS: So it is I think we say one of the paradoxes in the Canadian system that the lowest level of government, the level that has really no responsibility for high performance athletes in any direct way somehow or another has ended up with the responsibility for building facilities.

THE COMMISSIONER: For example, to train swimmers you need an olympic size pool.

THE WITNESS: That's right, and we have to count on the municipalities and the education system

primarily. I mean if we didn't have the facilities constructed by those 2 authorities, we would obviously, I mean we would have to find some other means. But currently that is what we take advantage of in terms of facilities.

THE COMMISSIONER: Apart from the physical facilities you then naturally support the staff I guess.

THE WITNESS: That's correct. So the coach -- but I am really only speaking, sir, of the staff that have strictly to do with the high performance athletes. The staff who clean the building and turn the lights on and all of that, they also are financed to a fairly significant degree by either in this case the university or the municipal government.

There may be a small rental fee paid by a national body in order to rent the facility to use it as a high performance centre but I think it's fair to say that this system is quite highly subsidized by the municipality.

THE COMMISSIONER: Once that is done, what you may call the key people, the coaches, and the medical advisors, do you have any role in that, or is that done through the sports federation.

THE WITNESS: The sports federations are actually the employers of the coaches. We have some

involvement with them in the process of recruiting and selecting the coaches for their staff positions and coaching.

5 THE COMMISSIONER: But who has the final say, the sports association, the sports organization or Sports Canada for high performance staff, as I call it?

10 THE WITNESS: Well, the sport body is the employer, so ultimately they are the ones who are selecting the individual who will work for them. There is a process which involves government officials in the interviewing and recruiting and ultimately the selection process and we could, it doesn't happen often but it has happened, where there is a disagreement between the government and the sport body about the selection or
15 retention or dismissal of a particular coach, and we do have ultimately a financial clout, which we obviously don't wish to exercise with any frequency, but we do have a financial clout where we could say that we would not provide funding to that organization for that particular
20 individual. But that is not in any way shape or form the same thing as saying they cannot hire the person. They could hire the individual we simply would not make a financial contribution towards it.

25 THE COMMISSIONER: But it don't have to be certified by Sports Canada I guess in that sense?

THE WITNESS: The coaches are not certified by us but we do have some guidelines and in fact they are in the process of being extended now where we are, in effect, saying to the national sport bodies, we are saying this along with the Coaching Association of Canada, that all national coaches engaged by national sport bodies using federal contributions should be certified at level 4; that's level 4 in the national certificate program. They should be at level 4 by 1990.

So, at the beginning, not at the fiscal year just up coming, but 15 months from now, there is a particular criteria or standard that its expected coaches will have.

THE COMMISSIONER: What about medical advisors? Does every sports group select their own medical people or do have a say in that?

THE WITNESS: Again, I think there is an ultimate authority that rests with each sport. But in the case of medical people, the organizations which I mentioned earlier, they are affiliated with the Sport Medicine Council of Canada, those that have to do with the professional development and certification of therapists, physio-therapists and a certain credential or a accreditation of sport medical practioners, we respect and we prevail on the advice and the credential giving system

of the Sport Medicine Council and its affiliates to determine who we will and will not support.

5 So again a sport body may choose to engage an unregistered or uncertified therapist. If they did, at the current time its unlikely that we would support any honouraria or salary for that individual. We don't wish to pass judgment on the individuals qualifications or credentials, but we have a body and it is characteristic of the way we work. We have a very close relationship
10 with organizations who are in the certifying and credential giving business.

THE COMMISSIONER: Does the money that goes to these high performance centres, does that include money for the physicians, the trainers, the therapists? Does
15 Sport Canada money go directly, say to the physician who is taking care of their athletes.

THE WITNESS: It may go to them and it will go indirectly of course through the sport body, but I think I should just mention that we are talking about very
20 modest amounts of money. I mean, we are not in a position financially to engage the full time services of any sports scientist, paramedical or medical person. What we are normally contributing is an honouraria, an amount equivalent to a very modest honouraria, and I am talking
25 now in the neighbourhood of a hundred dollars a day, and

even at that with some upper limit on the numbers of days that in fact we will be able to cover the cost of honouraria.

5 So, I think it's one of the things that's worth noting about the whole high performance system is that a lot of what is being provided to athletes is still being provided almost through a kind of voluntarily system.

10 We are prevailing on sports scientists who are academics, who have academic appointments at universities, to spend some of their personal time working with athletes, and we give them through the sport body some modest honouraria to do that, but these are individuals who are full time employees of something else, 15 just as most doctors who are involved, they are individuals with a practice or an affiliation with a hospital or clinic or what have you. We purchase their services at a very modest fee.

20 THE COMMISSIONER: Fine, thank you.

 MS. CHOWN:

 Q. Just coming back to the high performance centres, could you give us some other examples of centres and where they are located?

25 A. The National Volleyball Centre for

women is located in Regina, the men's centre for volleyball is in Calgary, soccer has a network of centres covering the Vancouver/Victoria region, Edmonton, Hamilton, Montreal, and Saint John, New Brunswick. There
5 are men's gymnastic centres in Montreal and in the Metropolitan Toronto region, actually in Mississauga, there is a centre in badminton in Calgary.

Q. Do the weightlifters have a centre in Montreal.

10 A. The weightlifters have a centre in Montreal. They are a sport that has a single centre for the sport, as opposed to a network across the country.

Q. And where is that located, physically?

15 A. It operates out of the Centre Claude Robillard, which is a facility that is presently owned by the City of Montreal, and it was a facility that was originally erected as one of the major facilities, particularly a training facility for the 1976 Olympics when they were staged in Montreal.

20 MS. CHOWN: Mr. Commissioner, we are about to turn to another area, and I wondered ---

THE COMMISSIONER: This might be a good time for a break.

25 --- RECESS

--- UPON RESUMING

MS. CHOWN:

5 Q. Thank you.

Miss Hoffman, before we turn to individual funding of athletes, I wanted to come back to one point on the funding of national sport organizations.

10 You provided us now with information on the amount of money individual organizations have received, can you take the figures for 1988, '89 -- you have to turn on your overhead there -- of the 39 million dollars and tell us how those funds are allocated as between Summer, Winter Olympics and other events.

15 A. Yes.

Well, in very broad terms, the Summer Olympics sports received approximately 18 million dollars of that total, the Winter Olympic sports -- I should say, by the way, there are 29 Summer Olympics sports. The
20 Winter Olympic sports, of which there are 11, receive 7 million dollars. The non-Olympic sports that we are currently dealing with, which are 19 in number, receive three and a half million dollars, and part because a few of those sports are very, very small, and we have a very
25 limited relationship financially with them.

The service organizations, the Coaching Association, Sport Medical Counsel and so on, as well as the important post-secondary organizations receive about 5 million, and that leaves a balance of about 6 million unaccounted for, which is the further special program money that some of these sport bodies get through programs such as sports science support or applied sport research or the womens' programs, so those first figures I gave you by category of sport really have to do with what I had described earlier as the core funding program.

Q. Thank you.

Now, looking at Exhibit 29, the second sector that you referred to that is funded by Sport Canada is the athlete assistance program. I would like to turn to that now. I understand that your remarks here are really going to be focused on individual financial support for high performance athletes?

A. That's correct.

Q. First of all, can you tell us a little bit about this population in general? Who are the high performance athletes, the numbers and so on?

A. Yes, I can.

I think that without necessarily going back to the model of the sport system, but just referring to some of the ideas contained with it. In that high

performance pyramid, if we are talking across all of the sports and talking about those athletes that are in the provincial high performance stream, as well as in the national stream, we are probably talking of approximately 10,000 athletes. Those are individuals who are involved and are receiving programing support in the upper levels of the provincial and national high performance system, but I think the information perhaps I can best give is some commentary on some characteristics of the nationally carded athletes, that I believe we will be discussing in more detail in a few minutes, but these are some statistics taken from a study of the carded athlete population that was done in 1985, and we, in fact, are just about to embark on a similar study of that population that will sort of look retrospectivly at these past couple of years. But this information is a little bit dated, but I don't think it is -- it is not inaccurate.

The age of the carded athlete population -- and we are talking about approximately 900 individuals now at the federal or national level -- is 22 years of age, on average, that is. The average age of retirement is 26, and I mention that because one of the other interesting characteristics about this population is that about 50 almost 60 percent of these athletes have only been on the national team or national squad for three years. So we

are talking still about many more years of training and preparation to get to the national team level then years as a national team member, so that's a three year average at the time the survey was done.

5 THE COMMISSIONER: But they are carded before they come on the national team?

THE DEPONENT: They would be carded at the provincial level, and I think ---

10 MS. CHOWN:

Q. We are going to go into this.

A. We will be discussing that in a few moments.

15 The overwhelming majority of these athletes are either students or full-time athletes who may have some bit of part-time employment. Only 11 percent of that athlete population was employed on a full-time basis at the time this study was done, and interestingly enough, of the athletes who were surveyed who had just retired, 39
20 percent of those athletes actually were in full-time employment, so I think it's pretty clear that the fact of their involvement in high level sport was a very significant barrier to them being employed full-time.

25 Q. And I take it -- it's being somewhat obvious to say -- it's a barrier because of the amount of

time involved in training?

A. That's correct.

In other words, many of these athletes will go, at the moment they leave their high performance training and competition career, immediately into full-time employment. Their education and occupational training hasn't altered at all. Their time availability has of course changed dramatically, so they are now available to work on a full-time basis.

They're an extremely well educated population. 32 percent of the carded athlete population has either completed an undergraduate degree or is currently pursuing one, and that, I believe, is about twice the ratio of the general Canadian population of comparable age. And I suppose there are several interpretations you can put on this. Either that athletes are extraordinarily intelligent, which might be the preferred interpretation, but in addition to that I think the fact is that these athletes may only be available to go to school. They don't have time to be in full-time employment, and therefore they may be more inclined to go to a post-secondary institution than their peers of a comparable age would be.

The other factor that is often identified, although I don't think conclusively proven, is that

because of the requirement for a certain amount of personal funding to pursue high level sport to have come through the system, that these athletes may be from a relatively advantaged socio-economic grouping to start off with them. Therefore they are more likely to attend university than the total Canadian population of a comparable age, but nonetheless, the fact remains that a very large percentage of them have a university education or are pursuing one.

65 percent of athletes received no employment income whatsoever. Their median monthly income was \$750.00 a month, and we will discuss the degree to which the athlete assistance program funding contributes to that, and a very large percentage of these athletes said that they were dependant or that they received financial support directly or indirectly from their family, and I think almost half of the athletes lived at home. They lived in their sort of family domicile, let's call it.

The other half, although there is obviously some that are living independently, but the other half of the athletes were training at one of the high performance sports centres that we have talked about. Now, that sport centre may happen to be in their home city, in which case they may be living at home, but 50 percent of this carded

athlete population were undertaking their training at these high performance centres, so clearly these centres are quite key to the whole athlete development system that we have in Canada today.

5 Q. All right.

A. And I suppose, surprisingly enough, given some of these factors, the general reaction of the athletes to their economic condition -- well, I would hardly describe it as euphoric, but the athletes did say
10 they were generally satisfied with their economic circumstances, overall. The older the athlete, the less satisfied they were. And the reason for that is very simple, that the student-age athletes relative to their peers probably had incomes at least comparable, and, in
15 fact, quite possibly better than, say their university students classmates, but the older athletes, those who would, in normal circumstances, be in the full-time work force, their relative income was significantly less than their own peer group.

20 Q. Thank you.

What we are going to looking at now is what funding is made available to these athletes from a variety of sources including the Federal Government.

Could you outline for us, first of all, what
25 expenses these athletes must meet out of these funds?

A. Yes, I could.

I think it's fair to say, because we have really discussed it in some detail already, that a lot of the program costs that these athletes -- or that these athletes would normally incur are in fact covered to a large degree by the sport body with which the athlete is associated. These are not athletes for the most part who are paying for the cost of the coach at a centre or the coach at a club where they train. They are not paying the bulk of their costs for international travel to competition. They are not paying directly to rent the facility where they train. They are not paying for medical or scientific support services that they may receive or for special equipment, but they will be asked, in some respects, to make some contributions to some of those things in this way: If they are an athlete that belongs to say a swimming club they may still, even though they are a carded athlete, be paying a club fee, which might be a thousand dollars a year which would help to cover the costs of pool rental and the coaches salary, but only to a model degree, but even an individual carded national team athlete, they still likely will have to be paying that club fee.

If they are an athlete, however, at a training centre, they likely will not be paying directly

any kind of immediate affiliation fee in order to train at that centre. The bulk of the costs that these athletes are incurring are less related to the technical program they are undertaking and more related to their day-to-day living as a normal human being, but they will have some incremental costs. They will want to be, by and large, eating a little better or eating a little more helpfully, let's say, than the average 22 year old in Canada might be, if I can assume that the average 22 year old eats a lot of fast food or whatever. Their training will simply mean they may be consuming 6,000 a calories a day, and someone of their same age might be consuming two or 3000 calories a day. Things of that nature. They will need special nutritional support.

If they are an athlete who is living -- even if they are living at home but they are training at a facility that is a number of miles from where they live and they are training twice a day, they will need to actually travel to that facility there and back, and all the costs of transportation that that entails, just simply to actually get to the training venue. There may be some small personal equipment or clothing they need that is part of being an athlete in relatively intensive training.

So there are some personal costs that simply are not covered by any agency, not covered by a club, not

covered by a centre, not covered by the national body. If the athlete for example travels abroad, they theoretically will have their meal and accomodation and travel costs covered as part of the team excursion, but any out of pocket costs they may incur for extra food or just the kinds of incidental costs one incurs travelling, they may receive a very, very tiny per diem from the important body, and I am talking about something in the 5 to 10 dollar a day range, but it's very likely they will receive no per diem, in which case those incidental costs are their own. They may compete in some local competitions that aren't really part of the national team program, and they will have to pay those costs out of those own pocket, as well. So those are some of small incremental costs of being a high performance athletes that add up.

Q. How do athletes fund these expenses?

THE COMMISSIONER: I'm sorry, I didn't hear the question.

MS. CHOWN:

Q. How do athletes funds these incremental expenses?

A. Many of them, as I have indicated, are living at home, and I think it's probably to suspect that they are prevailing on their families to a significant

degree, particularly the younger athletes most certainly. Some athletes may, from time to time, have some part-time employment, but as I have indicated, they simply aren't available in the way that individuals of a comparable age would be available. And a few of them, as I have indicated, have full-time employment, and they therefore contribute from their own regular employment income. They defray these costs, and in some cases those costs -- I guess I shouldn't minimize them -- in some sports those costs may be very considerable. An athlete who is in one of shooting disciplines may fire off \$8,000, a years worth of ammunition readily. They may get a support from the national body, a support grant to the tune of three or 4000 thousand dollars, but the remaining costs, which is directly related to the amount of training they will do, they have to pay that from their own pocket. Those athletes tends to be older, they therefore are more likely to be employed and they will pay for that cost through employment income. So family employment income and the third and for the majority of athletes probably the biggest single source of financial sustenance is through the direct athlete assistance programs that we are about to discuss.

There are some other possible sources. Some national sport organizations are able to supplement the

athlete assistance contributions that Sport Canada provides. Now, there are relatively few bodies that can do that, but for example when the women's national team in basketball was centralized here in Toronto last year, the national body, bearing in mind the cost of living in Toronto, provided the women on that team with some extra money so they could rent accomodation and so on and live here during that time period. That's certainly the exception rather than the rule, and often those supplements are -- modest would be an exaggeration. I think the women's volleyball team in Regina gets something in the neighbourhood -- well, it's less than a hundred dollars a month supplement from the national body. In fact, I think it's a graduated scale starting at 25 a month or something of that order. The national body simply doesn't have the money.

Some athletes are on scholarship in the United States or may indeed, if they have the academic qualifications have an academic scholarship at a Canadian institution.

In terms of sport related income sources, there are, I guess, 4 or 5 categories that we could look at. There are official suppliers, who will provide equipment and clothing to athletes.

Q. Now, their particular sports, and this

is common?

A. Yes. There are probably a lot of sports that get, sort of, clothing and some very basic equipment. They have sport -- like canoeing, for example, doesn't have an official supplier of canoes regrettably because that's the most expensive item, but if I am permitted to given endorsements inadvertently here, Sun Ice is one of their sponsors, and so their tracksuits and some other clothing that would be useful to an athlete both for their sport and for their own personal purposes is provided to those athletes as part of the contract between the Canoe Association and that particular clothing manufacturing. So you would get everything from that kind of rather modest arrangement up to, I guess, at the other end of spectrum in Alpine skiing where the ski clothing and ski equipment manufacturers are sort of fighting each other off to get to be the sponsor of the relatively successful national team, and, in fact, there may be several. It's almost a competitive situation where there may be several sponsors -- I am not speaking of alpine skiing necessarily -- but several sponsors of equipment working with the same group of national team athletes, some sponsoring some athletes and some sponsoring still others. And we know that officially that there are may be contractual arrangements with the association to sponsor

the entire team and with individual athletes, where significant monies may change hands in order to ensure that athlete "X" in fact does use equipment from such and such a company.

5 I think it's fair to say that even in a sport with quite successful athletes to just continue with the Alpine skiing example, only a couple of the athletes on the team would likely have a personal contract with the equipment manufacturer. The bulk of the athletes on the
10 various national high performance Alpine ski teams would simply be covered in the umbrella agreement between Alpine skiing and the particular manufacturer. So they would get the benefit of the equipment, but they might not necessarily get any personal benefit in terms of the
15 rights fee or official supplier fee that the manufacturer will have paid to the alpine ski body. They may benefit in that there is a cash transfer to the sport body that then may be used for coaches salaries, travel to competition or whatever, but that athlete will not receive
20 a check, you know, in respect of that arrangement.

A. There are endorsement possibilities, obviously we know about some athletes. Again I can't emphasize this too much, the very small number of athletes. Generally once they have achieved some
5 notoriety internationally, an Olympic medal or something of that order, who may be able to turn their high profile into an endorsement contract with a company that really may have nothing to do with sport. It simply is a normal advertising endorsement situation.

10 In some sports, there is prize money and that prize money again ranges from the very modest, you know, \$50 or \$100 for a cycling road race to, as we obviously know, very large amounts of prize money that are available to that handful of elite athletes in a sport
15 such as track and field. But again we are talking about extremely limited numbers and we are talking about a system with a very big payoff for the very best and a modest to no payoff for those who are not very far down the list.

20 There may be, and in the same vein, again confined to a small number of sports, there may be appearance fees, an athlete may receive money for agreeing to appear in a certain competition and in fact again as I say that's a small number.

25 There are some sports where an athlete may

earn and salary from the practice of their sport and still be available to participate in Canada's national team program in that sport. For example, in soccer, there is a Canadian professional soccer league, the CSL, where a national team, many national team players play for that team in the Canadian soccer season. They are salaried. The salaries are quite small anywhere from two to maybe \$10,000.00 a year. Those are also athletes that are part of the national team program. They may train at one of the soccer centres for some or all of the year. But that's another source of income for those individuals.

In sports such as volleyball and basketball, there are professional leagues in Europe. And some national team players, primarily for economic reasons, may opt to play in an European league and gain a salary from their sport.

So those are the kinds of commercial and professional opportunities that exist for some athletes in a few sports.

Q. I would like to come back now to the third one you mentioned which is direct funding of athletes by the government, both provincial and federal.

You indicated earlier to the Commissioner that the provincial government does fund some athletes. And we are going to be hearing from the

provincial government representatives on this, but could you outline for us what the provincial involvement is in direct funding.

5 A. Yes. The provincial governments, in almost all provinces, have some kind of direct athlete support program. There has been a study just concluded under the auspices of the federal-provincial sport committee which was mentioned as one of the federal-provincial planning mechanisms in the earlier
10 testimony. And that study, still requiring some validation, but it indicated that there are about 4,000 athletes who receive funding through provincial programs.

 That's sounds like a prodigious number, so it should be put in the proper light here. A lot of the
15 stipens that these athletes receive from the respective provincial government are in the range of \$500 to \$1,000 for example, in both --

 Q. And that's a year?

 A. A year, I am sorry. \$500 to \$1,000 a
20 year. And they are, in some cases, from programs that really have as their intention, they are, I would say they are almost more a part of the university student financial support programs in those provinces. I mean they are not administered by the Ministries of Colleges and
25 Universities or equivalents across the country, but they

very specifically say you can get this financial contribution if you are enrolled in a university in that province and if you compete on a varsity team. Now, not all of them say that but some do and so quite a few of these 4,000 athletes are in that category.

In some other provinces, as you will hear later on, there are athlete support programs which really are attempting to support those athletes who are just below the national level and those programs have very clearly as their objective hastening accelerating the maturation and the development of provincial elite athletes such that they can get into the national system at the earliest possible point in time. And in fact, these provinces will then evaluate the success of their program on an indicator of how many athletes have they be able to place from their province on national teams. And they track that very carefully, how many athletes from province X on the Olympic team; how many athletes from province X among the roster of nationally carded athletes.

So, in that respect, there is a reasonably good fit in some provinces between the provincial direct financial support program and the national one. The biggest difficulty probably lies in the fact that the stipends are relatively low at the provincial level compared with the national ones. It's

quite a big jump to go from being a provincially-supported athlete to a nationally-supported athlete.

Q. Before we get into the current policy that exists through Sport Canada about funding athletes, 5 could you give us an overview of the development of direct funding to athletes and I understand you had some involvement in this when you were an athlete yourself?

A. I did, as a recipient and I suppose you could say as an advocate at certain points in time.

10 The first direct funding for athletes that came from a national program that I am aware of began in 1970. It was a Federal Government program through Fitness and Amateur Sport, and it was directed primarily to student athletes. It was called the Grant and Aid Program 15 to Student Athletes. And it was an out-growth of the 1968 Task Force and the sort of very much accelerated development of Canadian sport that occurred in the 1970s. And it provided \$1,800 a year to athletes who had been identified by their national sport body as current or 20 perspective national team members and who also were students.

Now, in actual fact, the process for applying for those funds was by direct application of the athlete to the Federal Government; although, there was, I 25 understand, some opportunity for the sport body to comment

on the applicants relative to their national team,
national team roster.

In the period leading up to the 1972
Olympics, there was added as another kind of support, and
5 it only lasted as I recall, for about a year to 18 months,
something called an Intensive Care Program.

THE COMMISSIONER: Is that the right name
for it?

THE WITNESS: It didn't have a medical
10 orientation, but it perhaps, if I may say so, kind of
exemplified I suppose the state of panic Canadian sport
was in in 1970 and '71. Here we were having having been
awarded the 1976 Montreal Olympics, the Munich Olympics
were just around the corner. The 1968 Olympics, with the
15 exception of our equestrian team, hadn't exactly been the
watershed in Canadian sport history in performance terms
and there was clearly some desire among both athletes and
those in the system generally to try to move fairly
quickly to prepare Canadian athletes to give them an
20 opportunity to do better in the international domain that
had in recent history been the case.

MS. CHOWN:

Q. If I could interrupt there. You were
an athlete at that time, you went on to compete at Munich,
25 in Munich?

A. I did, and I would say that I benefited from the Intensive Care program. Each individual athlete in conjunction with their sport body could make application for this supplementary funding to help cover the costs of their training and competition for the period leading immediately up to the Munich Games. But it was a rather restricted program. I can't cite the exact statistics and I can't promise to provide them because I am not certain they are available, but we are talking I think of fewer than 50 athletes in the country who qualified for this particular form of support.

In any event, it was there up to the Munich Games. And then following the Munich Olympics, and we are now talking 1973-4-5, a period leading up to the Montreal Olympics, the student Grant and Aid Program continued and there was something under the rubric of Game Plan Assistance and I think there was some mention of Game Plan as the title of the program involving the provinces, the Canadian Olympic Association, and the Federal Government to help prepare athletes for the '76 Olympics. But one of the dimensions of that program was a further support for the higher ranked athletes training for the Montreal Games. And it was provided to the Winter Olympic athletes as well.

And that provided stipends of \$1,200 a

year, \$900 a year, or \$300 a year for athletes. And I guess this is important to note because it's the first time that a financial stipen was related to performance.

So, the \$1,200 was for athletes who were what has ever since been known as the A carded athletes; \$900 a year for B carded athletes; and \$300 a year for the Cs.

Now, many of these athletes, the majority of them were also recipients of the student Grant and Aid, the \$1,800 a year. So, I am not wanting to leave the impression that this was the \$800, \$900 and \$300 was all that the athletes got. The majority of them would also have been receiving the Student Grant and Aid, if they were students.

Clearly as the training load and training demands on athletes intensified as we got closer to the Montreal games and intensified not for psychological reasons, intensified because the nature of our system changed. It became much more structured. National coaches were hired, national team programming was put in place for the first time. I mentioned before the break the various team sports that centralized in order to prepare for the Montreal Olympics.

The training demands on athletes increased and it got to the point by mid -- well, early

1975, that quite a few of the athlete, elite athlete population were saying I don't have enough money to be able to be a participant in all of these new training and competition opportunities that are available to me. At
5 \$1,800 a year as a student or at with no additional support say other than the \$300 as an athlete beyond student age, athletes simply said I have to work, some kind of part time job, I can't make myself available for what were for the first time in the Canadian system
10 extended training camps. We had warm weather camps in Cuba, in Arizona. I mean this was the first kind of period of real sophistication in training across the board.

So, there was quite a bit of agitation
15 in the sort of the late 1974, early 1975 period initiated by the athlete population that led to the Canadian Olympic Association establishing a formal direct athlete assistance program that was not -- did not have an occupational criterion. You didn't have to be a student.
20 The issue strictly was based on demonstrated financial need, there is a requirement to provide athletes with a monthly support stipend that will permit them to participate in the training and competition program of their particular sport.

25 And the Canadian Olympic Association

undertook to fund that program for the approximately 18 months leading up to the 1976 Olympic games in Montreal. And the stipends through that program ranged anywhere from \$150 a month to \$350 a month depending on the particular circumstances and the nature of the program in the sport in question, and the personal financial means of the athlete.

Immediately after the 1976 Olympics, that particular program was abandoned by the COA. It had cost approximately, I have probably not got this completely accurate, but in the range of million and a half, \$1.5 million. It may have been slightly more than to run this program for those months leading up to the Olympics. And the COA simply did not have the money to carry on with the program.

There was a brief interlude when the program in effect didn't exist. And in 1977, Sport Canada took on the responsibility for the program, the Student Grant and Aid Program was sort of phased out, and a direct athlete assistance program that really is pretty much the origin and the nature, similar in nature, to the one that we have today at Sport Canada. That program or Sport Canada at least became the responsible program manager and financier of the Direct Athlete Assistance Program for athletes in a national part of the high performance

system.

So, that's a sort of a historical overview of what happened in that I guess critical ten-year period.

5 MS. CHOWN: Thank you. And you have provided us with a copy of a booklet entitled Sport Canada Athlete Assistance Program, Policy and Guidelines.

Mr. Commissioner, might that be Exhibit 30.

10 THE COMMISSIONER: This document here?

MS. CHOWN: It should be in your yellow folder.

THE COMMISSIONER: I just got it. Thank you.

15 MS. CHOWN: It's that small booklet, yes.

THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. And Exhibit 30 sets out the details of the program as it exists today; am I correct?

20 A. Yes, it does.

THE COMMISSIONER: Will that be Exhibit 30?

MS. CHOWN: Yes.

THE REGISTRAR: Exhibit 30, My Lord.

25

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--- EXHIBIT NO. 30: Booklet entitled "Sport Canada,
Athlete Assistance Program, Policy
and Guidelines"

MS. CHOWN:

5 Q. You have referred earlier to the carded
athletes and I wonder if you can tell us first of all what
are the various levels of carding in Canada?

A. Yes. Well, first let me say that the
purpose of this program is to make a contribution towards
10 the living and training costs of athletes who are at the
upper layers in the upper layers of the high performance
system. And I guess those words make a contribution
towards the training, and day-to-day living costs of
athletes are quite critical because we are not under the
15 misapprehension that the level of stipends that I am just
about to get to would in fact cover all of day-to-day
training and living costs of anyone let alone a high
performance athlete. But there are and they are briefly
outlined on page 11.

20 There are five levels of carded
athletes that are listed in the book, and just to
complicate matters further, there actually has been some
additional program evolutions so there are actually two
more categories of athlete, but the levels that exist
25 currently are the following. There are A, B and C card

athletes who, in effect, are national team and national squad members. The A, B, and C represents level of athlete, where the A and B carded athletes are determined based almost entirely on their ranking in the world. In fact, I would say they are selected entirely on that basis.

In an individual sport, and there are further details of this criteria on page 8, but an A card athlete in effect is an individual who has ranked in the top 8 at the Olympic Games or world championship in their particular sport. A B card athlete is one who is placed 9th to 16th.

THE COMMISSIONER: Does that mean in the past or that is his testing would indicate he would be in the top 8?

THE WITNESS: No, it in fact is determined by their result at that particular event.

THE COMMISSIONER: So, that would only apply to people who had formerly performed in Olympic competition?

THE WITNESS: That's correct. Now there are some equivalencies that are used in some sports.

For example, if an athlete in a sport that is objectively measured, a swimming or track and field record such and such performance that places him or her on the world list,

the ranking list for that year, at that particular high level, then they may be eligible for an A or B card.

THE COMMISSIONER: Without former Olympic participation?

5 THE WITNESS: Yes, that's correct, but by and large we are saying that almost by definition now an A or B card is awarded to someone who has actually achieved a certain placing at the Olympic or competition or the world championships. It's an indication not only of sort
10 of performance potential objectively defined, but actual placement in the competitive environment of a world championship or Olympic Games.

THE COMMISSIONER: But not achievement in training say, or in national competition?

15 THE WITNESS: That's correct.

THE COMMISSIONER: Take some person who suddenly becomes a great pole vaulter without prior Olympic competition?

THE WITNESS: Yes, that's correct, sir.
20 They would not qualify for an A or B card. However, they could qualify, although, it's not likely, but they could qualify for a C card. The C card athletes are those individuals who again but in -- through some objective means have demonstrated that they have potential to be
25 some day an A or B card. The C card criteria is, I can't

say it other than to say it's very complicated because
it's highly variable from sport to sport. Each sport will
set out criteria that may relate to performances in
Canadian competition, it may be a question of time or
5 distances if it's a sport that operates with those
measures. And the sport and Sport Canada will come to
some agreement as to what objective criteria would allow
one to say about this individual athlete if you can
achieve this level of performance, your female --

10 THE COMMISSIONER: All pointed towards
Olympic competition?

THE WITNESS: I suppose Olympic competition
ultimately, but I --

THE COMMISSIONER: Or world --

15 THE WITNESS: I wouldn't want to make the
focus too single minded. I mean these are athletes of
course who are competing at the international level on an
ongoing basis.

THE COMMISSIONER: Well, all point to
20 international competition.

THE WITNESS: All point to international
competition and not to sort of contradict what I have just
said, but certainly the Olympic Games and Olympic sports
because that's the key event in each four-year period.

25 THE COMMISSIONER: So, if we have an

outstanding Canadian athlete in a particular sport, or number one say, but obviously not going to measure up to world record competition.

THE WITNESS: Yes.

5 THE COMMISSIONER: He wouldn't get a card?

THE WITNESS: He or she would not get an A or B card, but he or she would, if they were the Canadian number one in an Olympic sport that Sport Canada supports which is virtually all of them, they would be part of the national team or national team squad, and, yes, they would
10 very definitely be carded as a C level athlete.

The C level athletes are those who are the national squad. I guess we say they are supposed to demonstrate objectively potential to become an A or B, but
15 it's quite clear given how difficult it is to get to be a top 8 or top 16 in the world athlete that the majority of C card athletes in fact do not ultimately reach the A or B card level.

THE COMMISSIONER Have you got a C-1?

20 THE WITNESS: A C-1 was a level introduced because the study we did on the Athlete Assistance Program that I cited earlier, suggested that it would be a worthwhile thing to have some graduations in the program. So, the first year that an athlete comes in as a C card
25 competitor they are funded at this C-1 carding level. If

they succeed, they continue to meet the criterion as a C card athlete, then the next year they will be carded at the C level and they will receive that slightly higher stipen.

5

MS. CHOWN:

Q. So is that to provide an incentive to better performance in some sense?

10

A. In a very modest way. I think it's more the case that many athletes would be a C card holder for four, five years or longer before realistically they had a chance to become a B or A, and it's simply to give an increment almost for its own sake.

15

THE COMMISSIONER: Like a cross-country skier who is too young really whose got potential but you expect that potential to be fulfilled in the years to come is that it.

20

THE WITNESS: Yes. And there is if I can maybe just use that point to discuss the D cards. The D card, and there are not a lot of these athletes but there are some. That is a carding level that is for individual athletes who are still quite a few years away from making the national team, three, four years maybe, but who have been identified by the national body as having really quite exceptional talent, and about whom it is judged that they really need to be involved in national programs if

25

they are going to progress and develop. So this is a way for national body to be able to say we would like to identify so and so, the nature of the sport is such that they need national coaching, they need the kind of programing that only the national body is capable of providing and therefore in order to be able to bring them into our national program, we would like to card them albeit at a level below that of the C or C-1 athlete.

Just very quickly, there are these I guess three other kinds of carding levels. There are also D cards who are athletes who are training at training centres and they may not -- they are not also national team or even national squad members, but they may be needed to help beef up the numbers of athletes who are at a training center to make the training there more effective. They are probably people in the national athlete stream but they might be, for example, when we had a situation where we had two water polo training centres, one in Toronto and one in Montreal, there needed to be enough additional athletes there so that the players could in fact do the kinds of scrimmages and so on that they needed as part of their training. So, there were a number of extra athletes carded in order to get them to move to the training center and be part of the training group.

Then there are, without complicating

this too much, there are reserve athletes and junior athletes, R and J cards, who are carded in the team sports. And again these are athletes who are probably some distance from the national team in terms of time, but they are people because of the nature of team sports who have to get together for the much of the summer period in order today train together. If they were in an individual sport, they wouldn't have to do that. They could live in their own home city, train at their own home club, and probably have a part time summer job as most student athletes would have. These athletes are likely away from their home and our purpose then on the R and J carding is basically to give these individuals something that compensates for the loss of summer income that their peers by age would normally receive.

So, those are the levels of carding. And just to note for the record the R cards receive \$250 a month and may receive tuition. The J cards receive \$150 a month and may receive tuition. All of the other carding levels A, B, C, and C-1, and D, the stipends are as listed here, 650.

MS. CHOWN:

Q. Programs you could just review those?

A. \$650 a month or \$7,800 a year for an A card; \$550 a month or \$6,600 a year for a B card; \$450 a

month or \$5,400 for a C card; \$350 a month or \$4,200 a year for a C-1; \$300 a year or \$3,600 a year for a D card. And in all of those cases, if these individuals are full or part time students, their tuition fees will be covered through the Athletes Assistance Program.

THE COURT: In addition?

THE WITNESS: In addition.

MS. CHOWN:

Q. How many carded athletes are there at the present time in Canada?

A. There are approximately, as of January 10, there were 839 athletes in the program.

Q. Can you divide those for us say as between A, B and C cards?

A. Yes, I can. There there are 72 A cards -- sorry, if I said 72 I meant to say 62 A cards; 78 B cards; 364 Cs.

Q. That's both C and C-1?

A. No, 151 C-1s; 114 D cards of both varieties; 25 Rs and 45 Js for a total of 839. I think it's pretty clear that the predominance, the majority of the carded athletes are in the C and C-1 level. And their carding criteria are by and large, they may be strictly national reference points, performances in Canadian competition, or there may be some combination of Canadian

performances and ones that are related to international rankings, but it's highly variable from sport to sport how the criteria are established or what the criteria are rather in each sport. The means for establishing the criteria are pretty much the same for each sport.

Q. Okay. Coming back to the setting of criteria, what involvement do the national sport organizations have with Sport Canada on setting the criteria?

A. Well, one of the most important functions that the sport bodies have is in fact coming forward with criteria that are first of all sufficiently objective, that they can be announced to the athlete population and be understood and interpreted and the athletes and coaches are aware of what it will take to become a carded athlete. So they need to be performance related. They need to be some indicator of future international potential. They need to be objective.

The sport body brings forward to Sport Canada periodically proposals for the criteria. And there is dialogue which I suppose might reach the point of negotiation but it's really more a sort of dialogue between Sport Canada and the sport body to finally I guess on the one hand come to agreement about the criteria but I don't want to make it sound like an adversarial situation.

It's more a question of trying to come up with a set of criteria that are sufficiently objective on the one hand that they do really assess potential and can be applied to make what are clearly a lot of decisions about who gets this funding and who will not qualify for it. And it has to be criteria that I suppose encompasses the kind of subjectivity that most coaches would prefer operate in their sport but which is a virtual impossibility from the standpoint of the sport body who has to bring forward names in nomination and is therefore subject to challenge by those who may not have been nominated and also has to be something that's defensible in terms of any subjectivity that may exist vis-a-vis Sport Canada. We need to be assured that the method that's been implemented to select these athletes is one that will have in fact chosen the best athletes and that the subjectivity or discretion is at least relative to certain kinds of characteristics or indicators not who is a relative of whom or who happens to have been coached previously by the current national coach or whatever. I am not suggesting that there is irresponsibility in the carding criteria. I think, I am just alluding to the fact that from an athlete's standpoint, the decision to be carded or not is is a very, very critical one and all of the processes including the criteria, the nomination procedures, the

timing for announcement of criteria, announcement of
nominations, confirmation of athletes who are going to be
carded is a topic of let's say extreme interest to any
athlete and to the coaches of those athletes and obviously
5 to all of rest of us in turn.

Q. I understand from time to time as a
result of representations made by national sport bodies
that Sport Canada may change the carding criteria, and I
understand that this happened with the weightlifting,
10 weightlifters?

A. Yes, but if I could just phrase your
statement a little bit differently. Sport Canada would
not change the criteria. We might ask a sport body to
review its criteria, or the sport body might bring forward
15 a proposal on its own initiative.

20

25

And we would respond to that, ultimately leading to Sport Canada, saying, yes, we concur that's what the criteria will be.

5 In the case that I believe you were citing, in the sport of weightlifting, the sport experts in that particular sport believe that the criteria that were being used, which were in some way based on international performance levels, were skewed, were artificially inflated because of the prevalence of doping
10 internationally in the sport of weightlifting.

And they, therefore, proposed to us that the criteria be lowered by some specific amounts that each class of weightlifting, where we have have had or previously agreed to, card athletes in that particular
15 sport.

After some discussion with the sport and obviously being mindful of the realities of doping in that sport, but I must admit with some reluctance, we nonetheless agree to lower the criteria for that sport.
20 This was starting with the criteria that were announced in the winter of 1987 and that were used as the basis for selecting athletes for the carding year, not to be confused with the fiscal year, but for the carding year in that sport, 1987/88.

25 Q. Did that effect all levels of carding

within that sport?

A. Yes, it did.

THE COMMISSIONER: May I follow that
through, though, so that person -- were any of these given
5 card A's.

THE WITNESS: No, they weren't. The way in
which the carding criteria were amended was strictly with
respect to the C one or C cards. In order to get an A or
B card ---

10 THE COMMISSIONER: We couldn't measure up to
the artificially inflated weights, is that what you're
suggesting.

THE WITNESS: Or the allege artificially
inflated weights.

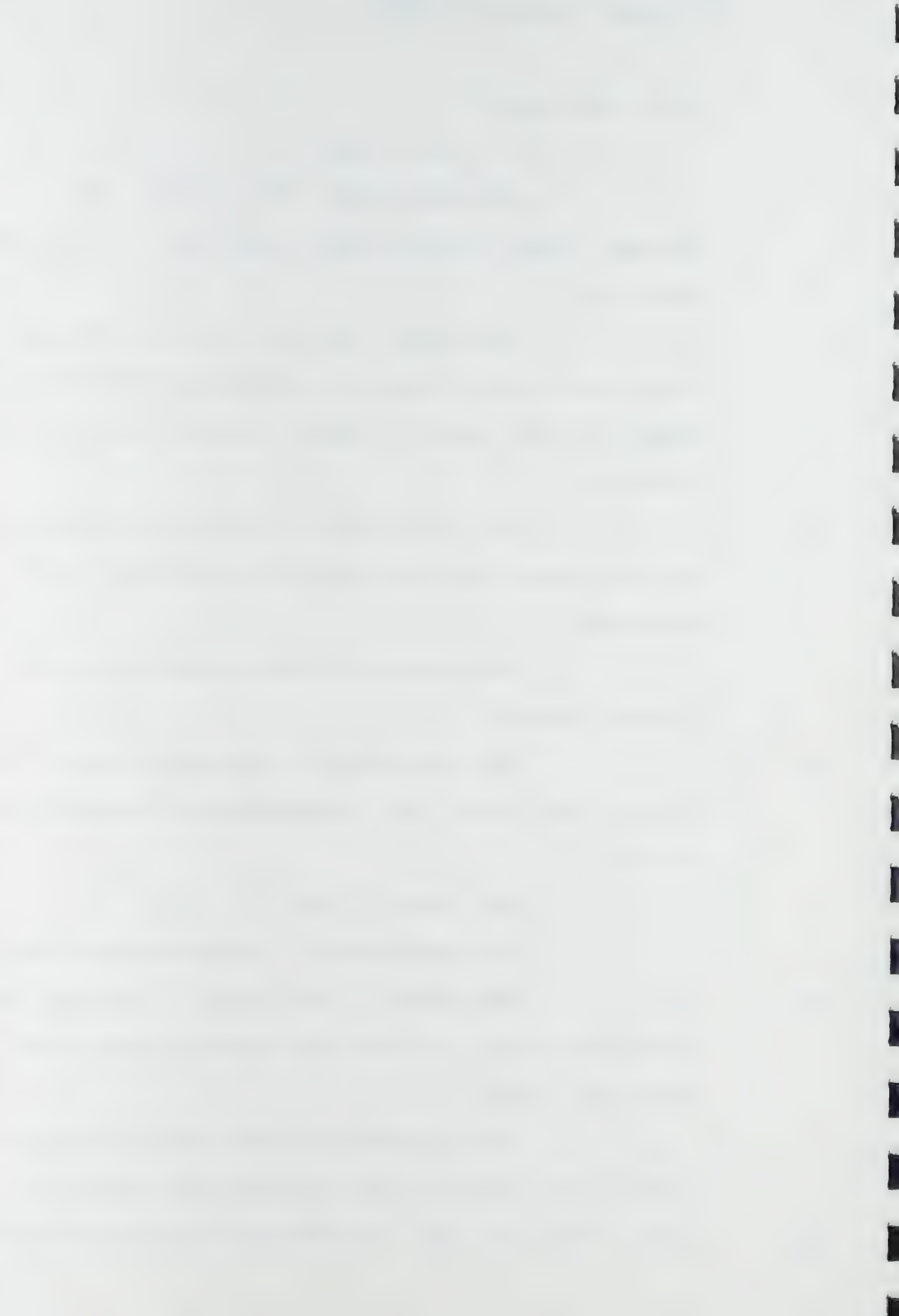
15 THE COMMISSIONER: Assuming the rumors were
correct, that these great performances were somehow aided
by ---

THE WITNESS: Yes.

THE COMMISSIONER: ---by artificial means?

20 THE WITNESS: That's right. I suppose one
would have to say, in this case, rumors and fact, both in
Canada and abroad.

But the difficulty with trying to alter the
A and B card levels was that we really had no basis on
25 which to say that the -- I mean this is perhaps a somewhat



facetious way to put it -- but that the 8th place individual in the world championships in the 110 kilo class had consumed such and such an amount of a performance enhancing substance escalating or inflating his performance by such and such an amount and, therefore, you know, the standard should be dropped.

We knew there was an inconsistency in adjusting the C standard without dealing with the A or B but we had absolutely no means by which to do that.

THE COMMISSIONER: If the reality was that the best information was those that were competing in other jurisdictions of weightlifting, were doing so improperly, and the assumption is that our weightlifters were not, then why send a weightlifting team to the Olympics?

THE WITNESS: Well, I think that it was extremely difficult to make the assumption that our athletes were not, but the objective ---

THE COMMISSIONER: Were not what?

THE WITNESS: Were not using performance enhancing substances, because here's the situation; we did have Canadians, not many, but a couple of Canadians who were at the B card level.

Now, if we're going to say that we're going to it adjust the A and B standards because the norms in

these international competitions for A's and B's are based on performances artificially enhanced by doping and we have an athlete in that category, what are we saying about that athlete? Is our athlete doped?

5 If there hasn't been a test to this point which suggests that they may be, we have to say our athlete is clean. And if our athlete is capable of being in the top 8 or 16 in the world without the aid of a performance enhancing substance, the difficulty is, I
10 think that we all have to be very careful about assuming that every other weightlifter is doped.

THE COMMISSIONER: I agree.

THE WITNESS: So, we simply said, look,
we're deal with the C cards even though, again there,
15 there may be as much perception as fact operating in a situation.

I think what we were really trying to do was, we were trying to provide some incentive to athletes in a sport where there is enough evidence to say doping
20 is, if in not endemic, certainly prevalent, try to provide some incentive to Canadian athletes not to use doping substances or doping practices.

There may not be any relationship between these two factors, but the unfortunate reality is that in
25 the period after this new system was introduced, the

reduced carding levels, there were, in fact ---

THE COMMISSIONER: What year was that?

THE WITNESS: That was starting -- these athletes were nominated and accepted as carded athletes starting, I believe, November or December 1987. So this would be in the period leading up to the Olympic Games and ---

THE COMMISSIONER: I gather there were no weightlifters with a card A?

THE WITNESS: Not a that time. I think there was one, possibly two, with B cards but it was in that upcoming period and I believe involving at least an athlete who was carded based on these new criteria that we did, in fact, record some positive test results, some doping infractions in weightlifting, and I'm only noting this to comment on the difficulty adjusting criteria and using that as a means to provide an incentive not to use banned substances. There are just so many other factors in play which presumably we'll discuss later on.

THE COMMISSIONER: I've interrupted you, Ms. Chown.

MS. CHOWN: No, that's fine.

THE COMMISSIONER: We might be coming back to this.

MS. CHOWN:

Q. Miss Hoffman, you've told us that with each of these cards, the athletes obtain a living and training allowance in a certain amount. You've also mentioned that A, B and C carded athletes have their tuition covered.

Are there other benefits that are provided through this program directly to the athletes?

A. There are but they're very modest in size. There's a special needs program which covers, on an individual application, case by case basis, such costs as those related to relocating to a training centre, daycare costs for those athletes who have children and who must absent themselves from looking after those children while they train and compete.

From time-to-time we may cover some special nutritional or medical costs through that program but we are currently spending very little money in that part of the program.

And the fourth -- well, we may -- I should add one further comment. We may, on the occasion when an athlete retires from their sport and doesn't qualify for a special program that we do have for retiring athletes who are attending school, we may give an athlete, again determined on a needs basis only, a small payment to help

them, say, relocate back to their own home, to help tide them over while they get themselves into the work force, possibly even into the work force for the first time.

But the other program I just touched on then
5 is something called the extended assistance program which provides two semesters of the monthly living allowance, plus tuition costs, for athletes who are full-time students who have -- I shouldn't say for athletes -- for athletes who have just retired and who are now wanting to
10 finish up or continue their schooling in the period after they retire.

Q. Just so we're clear with respect to the living and training allowances, there is no means test applied by Sport Canada to an athlete who is eligible for
15 a card?

A. No, there isn't at the present time and I think that it's fair probably to characterize the Athletes' Assistance Program as a universal program.

The qualification is a certain level of
20 athletic achievement and nomination through the proper procedure by the sport body. I think there has been a lot of discussion and there is quite a bit of study of this topic going on at the present time, looking at ways to perhaps better use the money, better use the \$5 million
25 that we have available, to make a distinction between

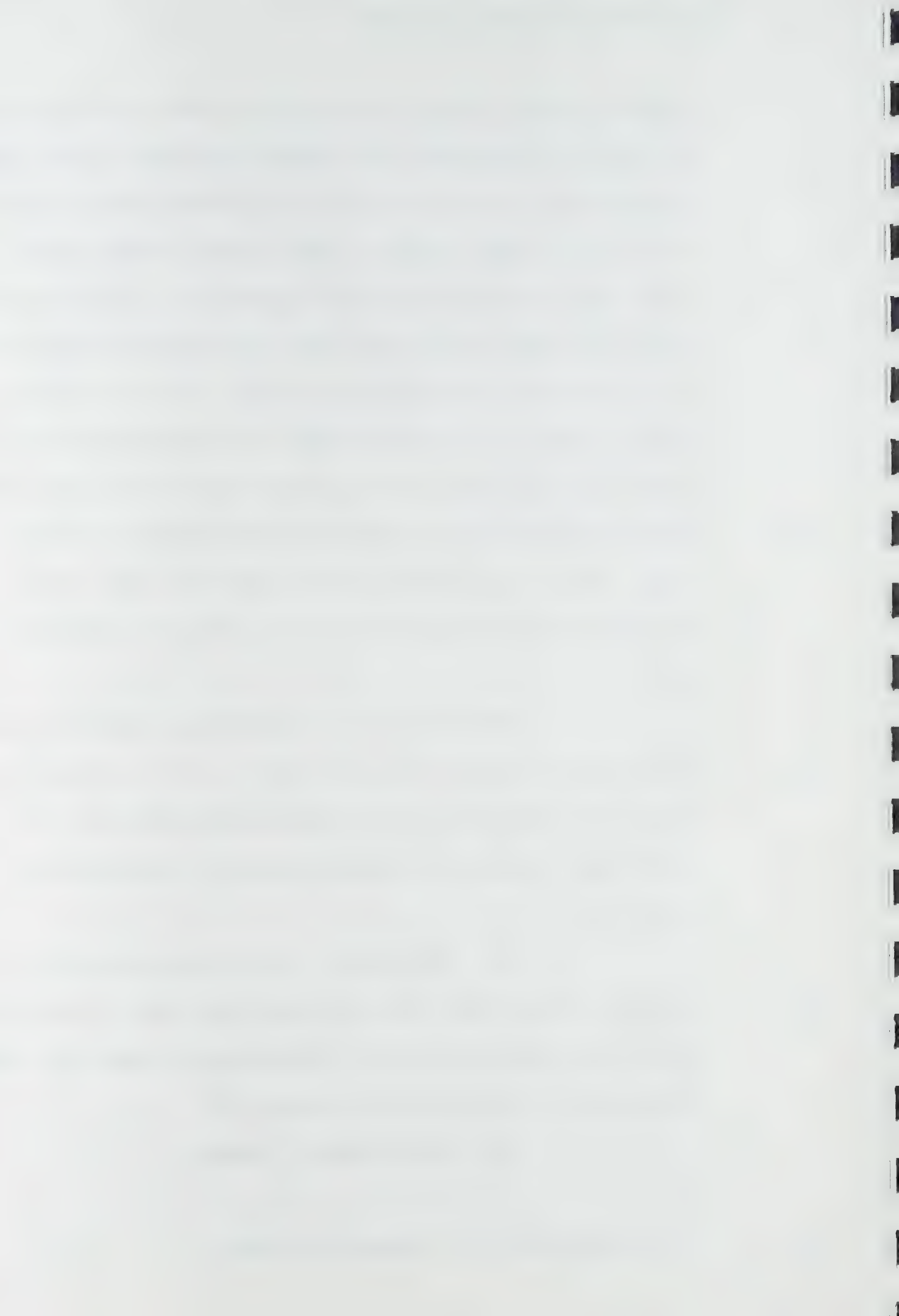
those athletes, either whose sport is very expensive or who have no opportunity for other employment or who have, for whatever reasons, no family or personal means, I think we're still searching for a way to run a program that might have some universality, perhaps in a lower stipend, and would then use some of that money that would be freed up to respond to the particular needs, say of athletes who had to move on a full-time basis to a training centre and whose training load doesn't permit them to work or winter sport athletes who may be outside of Canada for three, four, five -- five months of the year and again whose possibility of gaining any kind of income is virtually nil.

But those are -- I would say they're ongoing topics but we're not in a position -- we're certainly not, you know, announcing a new program imminently but it's certainly a topic of interest and we're continuing to study it.

Q. Thank you. You have prepared for us a summary of the funds that have been paid out to carded athletes currently and, Mr. Commissioner, that's the one page sheet. Might that be Exhibit 31?

THE COMMISSIONER: Thanks.

--- EXHIBIT NO. 31: Summary of Funds



MS. CHOWN:

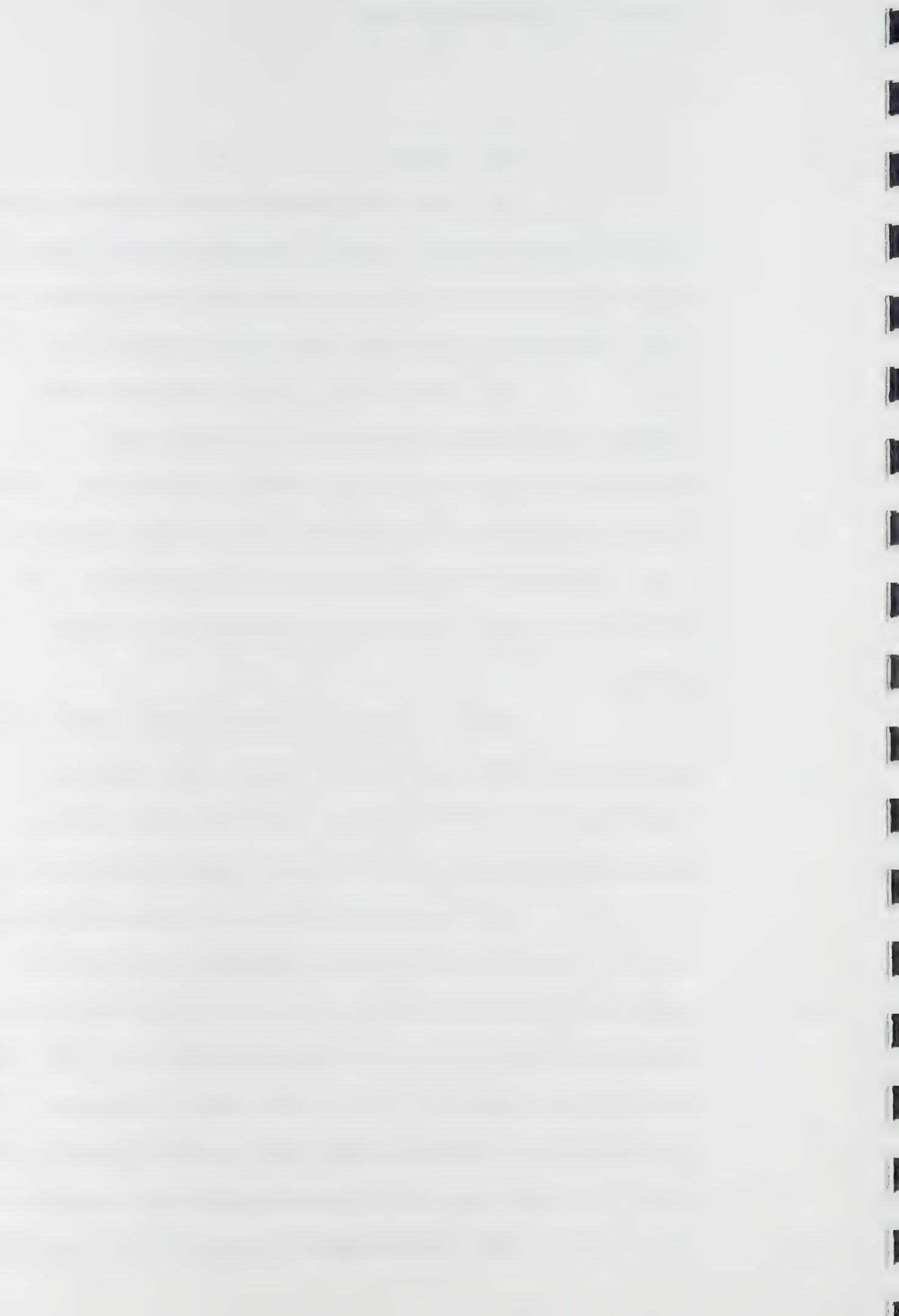
Q. And that has the sports divided between Summer Olympic, Winter Olympic, non-Olympic and Disabled
5 and shows on the bottom line under the column, cards, 839 cards and that's that figure you gave to us earlier?

A. Yes, it is. If I could add very quickly two caveats to this sheet to avoid any misinterpretation. There are always, because the carding
10 year for each sport is different, the carding year can start or end any time of the year, it's 12 months, but that means it can start in any one of the 12 months obviously.

There's always negotiation and discussion
15 going on with the sport bodies about their nominations so this number is slightly lower than the actual maximum number that will be reached in any twelve-month period.

We're probably closer to about 875 athletes, in that range, different individuals who will receive
20 support in this period and, as well, the tuition fee total represents tuition fees that have been paid in most cases for only one semester, that is for the fall semester. The second semester fees, in many cases, are only being paid now. So, that number for tuition fees would be higher.

25 THE COMMISSIONER: I see 683 but you think



there have been about 750 during this period of time?

THE WITNESS: Mr. Commissioner, the 683 ---

MS. CHOWN: That is simply for Summer Olympic sports.

5 THE COMMISSIONER: I'm sorry. Summer Olympics, right. The total is 839.

THE WITNESS: That's correct. They're just categorized by type of sport.

10 MS. CHOWN:

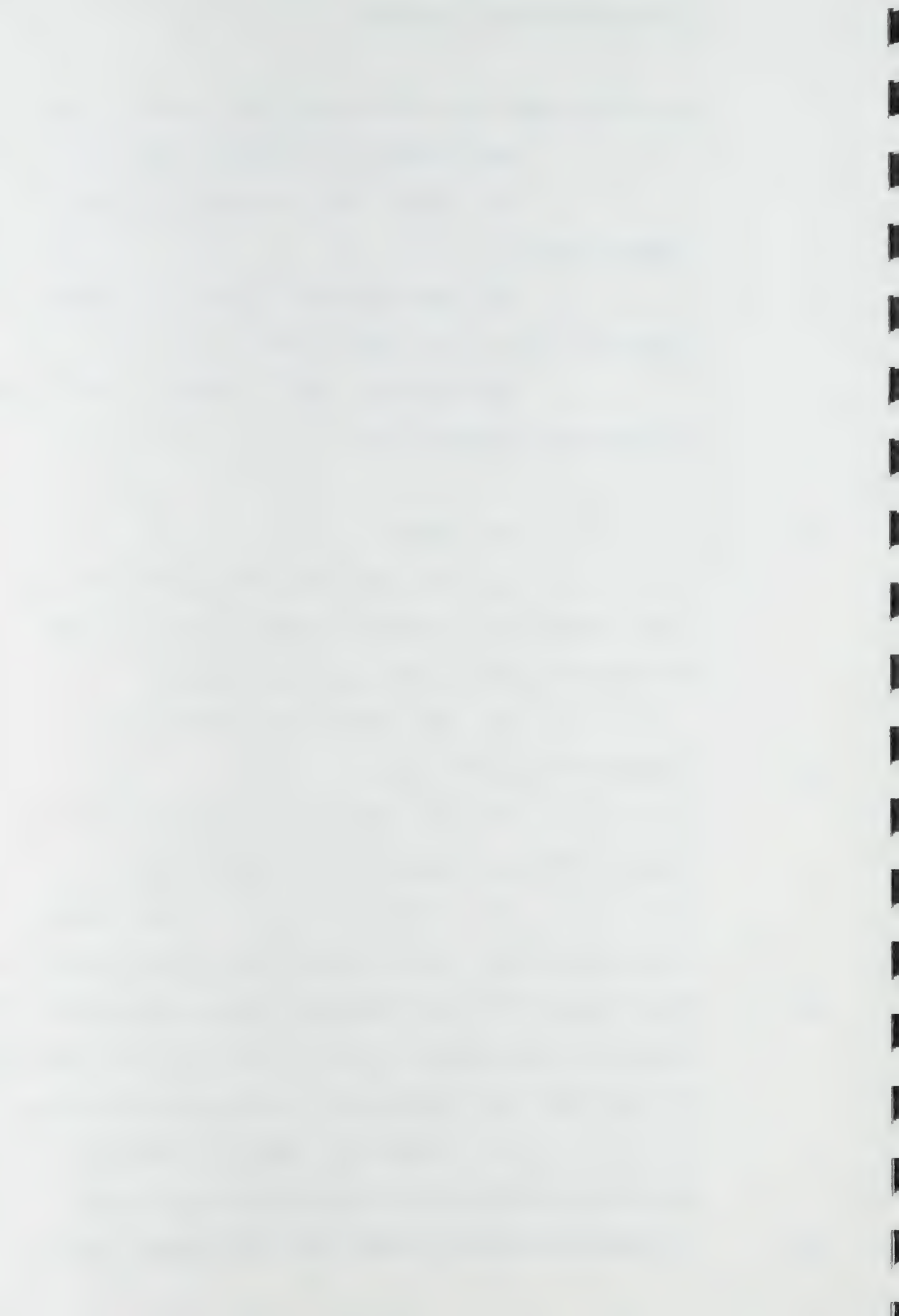
Q. You also mentioned earlier that you fund special needs extremely modestly and this chart indicates to date \$17,500 have been spent?

15 A. Yes, modest might have been an exaggeration in that case.

Q. All right. Anything else that you'd like to draw our attention to on Exhibit 31?

20 A. I don't think so. I think these figures speak for themselves and with those caveats that would account for the additional approximately \$500,000 to bring this expenditure up to the level that was displayed in the other chart showing the federal funding for sport.

25 Q. Thank you. Under the Athlete Assistance Program, would you outline for us what obligations both the athlete and the national sport



organization have with respect to this program and participating in it?

A. Yes. Perhaps the easiest way to do this is by reference to the guide itself.

5 Q. That's Exhibit 30?

A. Yes. There is a section on responsibilities.

Q. Page 17, Mr. Commissioner?

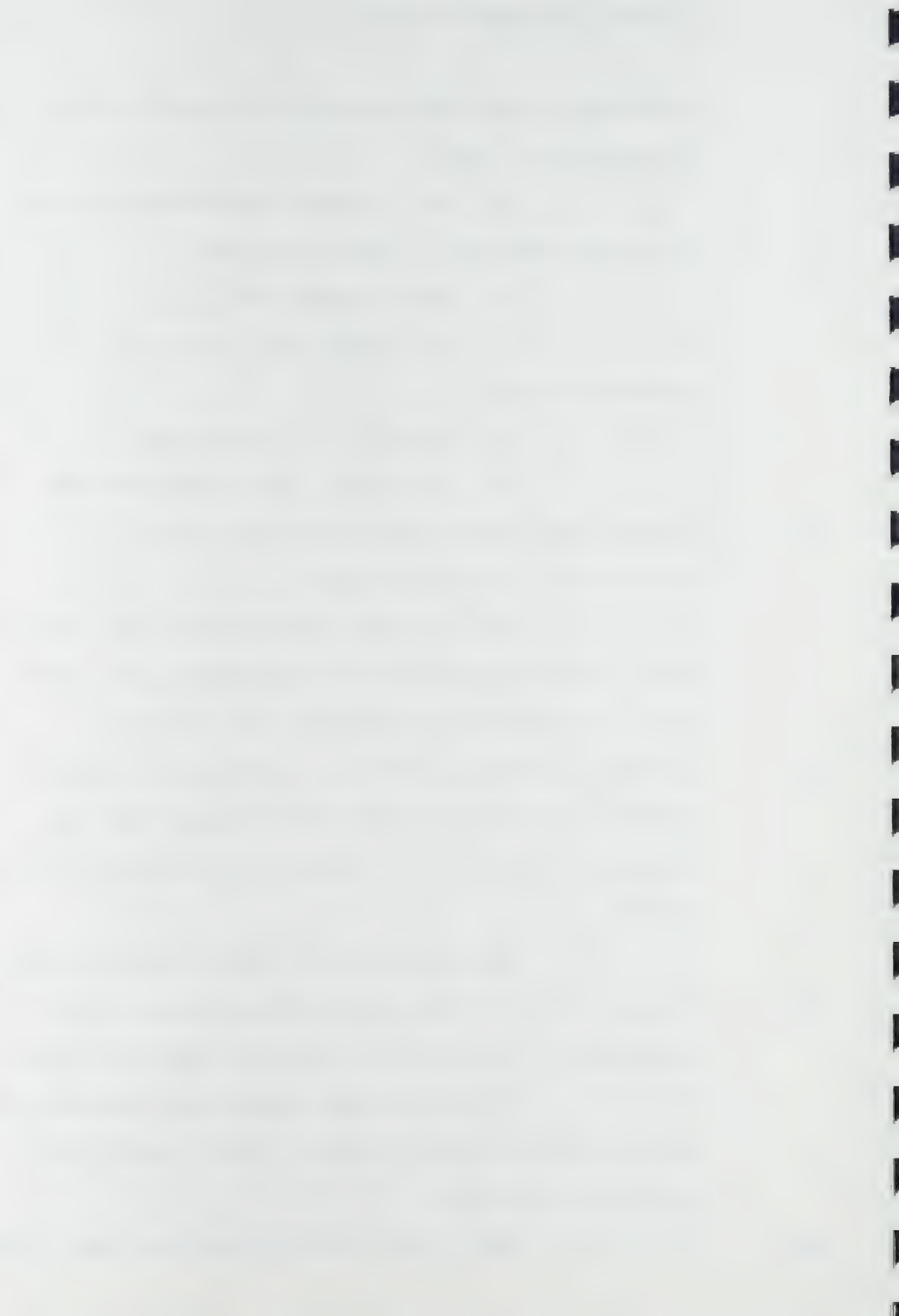
10 A. On page 17, which summarizes the responsibilities of athletes, national sport organizations, and Sport Canada.

Most of these obligations of the national sport organization and Sport Canada have a, and indeed even to a degree of the athlete, have to do with procedural matters, agency X or individual A informing
15 another organization, their national sport body, for example in the case of an athlete, of any change in their status.

The national sport body's responsibility is
20 to bring forward their nominations and criteria and communicate those and so on which are spelled out here.

I think the most significant dimension of these responsibilities, however -- well, they're too significant dimension.

25 One is that we have tried very hard, through



the athlete assistance program, to prevail on national sport organizations in part by example and in part by asking national sport bodies to do certain things, prevailed on them to try to establish and indeed

5 formalize, let's call it, a more objective relationship with their athlete population through such things as producing clear criteria, making well known the nomination process, making sure that the national body communicates with the athlete on any change of that athlete's status

10 that the national sport body may be considering and so on.

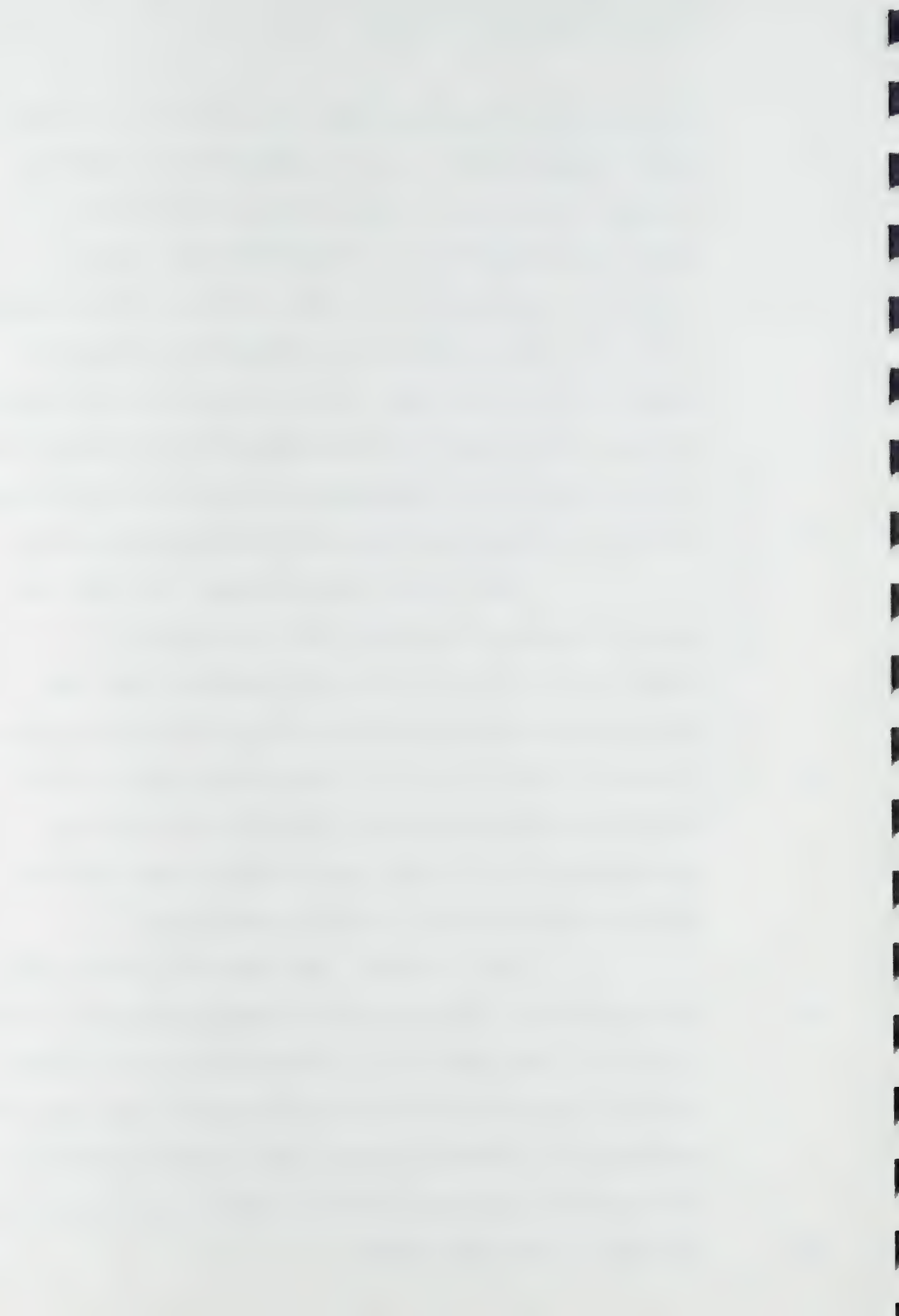
We're very concerned that, not only the Athlete Assistance Program, but it's the best manifestation of this, but we're concerned that the athlete population is treated fairly and with a certain

15 standard of due process, as I say with respect to the athlete assistance program, and also with any other relationship the national sport body may have with the athlete population, it's athlete population.

That, as well, has a kind of set of mutual

20 obligations and those are to be covered and we do insist on it now, that there be an agreement drawn up between the national sport body and each athlete which sets out the obligations of both the sport body and the athlete and that process led us to develop a generic contract which is

25 included on the grey pages...



Q. Page 22?

A. Twenty-two through to 25.

THE COMMISSIONER: Yes.

THE WITNESS: And you'll notice again,

5 without going through all of these, but there are
initially some NSO obligations which had to do with
procedure, publication and circulation of criteria.

10 There are things that have to do with the
kinds of services that the national body is expected to
provide to athletes and there are some things that have to
do with the kinds of procedural protections, that it's
generally felt and we feel very strongly athletes should
be provided with.

15 So items M and N, for example, indicate the
high desirability of having athlete representation as
voting members within the decision-making forums of sport
body and the provisions of various hearing and appeal
procedures. Those are among the obligations of the ---

20 THE COMMISSIONER: Where do I find that, I'm
sorry?

THE WITNESS: I'm sorry?

MS. CHOWN: Page 23, Mr. Commissioner.

THE COMMISSIONER: 23, all right. I am at
24.

25 MS. CHOWN: One sub-M and sub-N.

THE COMMISSIONER: Yes, thank you. Sorry.

MS. CHOWN:

5 Q. And I note, as well under the athlete's obligations at paragraph two and on page 24, there is some specific references to the athlete's obligation with respect to doping?

10 A. Yes, there are. Those obligations with respect to doping basically state that as a condition of entering into this agreement that athletes are to avoid the use of banned drugs.

THE COMMISSIONER: That's for the contract of the individual athlete?

15 THE WITNESS: Yes, between the association and the athlete, that's correct.

20 And that the athlete is to make him or herself available for any kind of doping control testing and we have included random doping control testing in this clause of the contract should the national body or the Sport Medicine Council or Sport Canada request that they so do.

MS. CHOWN:

Q. I just note ---

25 THE COMMISSIONER: It says avoid the use of

banned drugs, in contravention to the rules of the International Federation as Sport Canada policy and submit at competitions and other reasonable times to random doping control testing upon request by this national organization, sports organization, Sports Canada, the Sports Medicine Council of Canada, or other authority as to do so by the National Sport Organization.

THE WITNESS: Yes, that's correct, sir.

THE COMMISSIONER: Fine. This probably will be a good time to adjourn. 2:15? Unfortunately, I have an appointment at noon. So 2:15, please?

---Upon resuming

THE COMMISSIONER: Ms. Chown?

5 MS. CHOWN:

Q. Thank you. Miss Hoffman, just before
the lunch break we were talking about the Athlete
Assistance Program and there is one area of that I'd like
to cover before we move on and that is the withdrawal of
10 carding. That is referred to very briefly at page 29 of
Exhibit 30 and I would ask you to comment on the
situations in which an athlete's funding would be
withdrawn?

A. Actually, this section, which concludes
15 on page 29, outlines a number of circumstances and the
procedures under which an athlete's ---

Q. I'm sorry, it's page 26 it starts on?

A. All right. That's correct. A number
of circumstances in the procedures under which an
20 athlete's funding might be withdrawn and, in most cases,
the initiative to withdraw carding support rests with the
national support organization but there are cases where
Sport Canada might initiate the withdrawal of that support
and one of those is on page 28, Withdrawal - Fraudulent
25 Misrepresentation, which might involve a situation where

an athlete in receipt of funding may have misrepresented certain facts of their situation.

For example, they may have claimed to have been enrolled in a university and sought to expedite the payment of fees and then subsequently it might transpire that, in fact, they weren't in university at all.

In that case, Sport Canada could initiate an action, although the sport body might as well. And, on page 29, there is Withdrawal - Violation of an Agreement, which refers to the NSO Athlete Agreement that we discussed before the break and it basically says should an athlete violate the agreement as outlined in Chapter 6, an athlete's obligations relative to drug testing or sporting contact with South Africa, either the procedures initiated by the NSO for withdrawal, lack of commitment or the procedures initiated by Sport Canada for withdrawal - Fraudulent Misrepresentation maybe used.

So again, the initiative could lie with either body. But, as we will discuss later on, the penalties for doping violations, while they do violate, they represent a violation of the athlete/NSO agreement, they are also a violation of the Sport Canada policy on drug use and doping control in sports.

So, the terms under which and the conditions under which that penalty is invoked in the case of doping

violations are outlined in the doping policy.

Q. As you mentioned, we will be coming to penalties in more detail when we discuss doping but simply to draw it to the Commission's attention at this time that
5 there may be a financial penalty by the withdrawal of carding funds for a doping infraction?

A. That's correct.

Q. Thank you. Before we move on to other areas, I wonder if you could simply summarize for us where
10 you see the development of high performance sport with a particular view of the high performance athlete going in Canada at this time?

A. Yes. I could make a few comments and there are a number of points that I would like to make and
15 I make these comments because I think that while there has been and was a quite significant alteration in the status of the high performance athletes that occurred through the 1970's because of changes in the rules of amateurism and quite dramatic changes that occurred in that decade with
20 respect to the feasibility while retaining eligibility, the feasibility for athletes of receiving financial support for -- while they were still in the high performance athlete stage of their athletic career, in the 1970's that was permissible and some quite dramatic things
25 happened in sport.

But I also think that now that that evolution is somewhat behind us, that there is a new set of circumstances that will cause us to have to think quite differently about how we work with and provide support to high performance athletes in the next decade and I'd simply like to identify what some of those factors are in the case of Canadian high performance athletes.

THE COMMISSIONER: When you speak of the change, you're speaking about the new rules of eligibility for Olympic competition?

THE WITNESS: Yes, I am.

THE COMMISSIONER: Set by the sports federations themselves which really got rid of the whole theory of amateurism?

THE WITNESS: That's correct, Mr. Commissioner. It really derived initially from changes in the International Olympic Committee's statements about athlete eligibility and was very quickly followed by changes at the International Federation and then national support organization level.

THE COMMISSIONER: Now? You're going to speak currently then.

THE WITNESS: Currently and to say that I think ---

THE COMMISSIONER: And in the future?

THE WITNESS: Yes. We have the eligibility debate, I guess you could say, out of our system. By and large people, in sport tend not to use the word amateur athlete. The tendancy is to talk more about athletes who are eligible or ineligible, so the word amateurism I think is somewhat behind us now.

These are some, I think, future considerations we need to deal with in the future and I'm mentioning it because I think that the future is really upon us. These are almost current issues.

So, just to go through them, that the first one is simply, in the case of Canada, for reasons that I described earlier, regarding the high performance sports centres, it is increasingly the case that athletes are really required to relocate to these centres.

Not required in the sense necessarily of the national sport organization saying you must be at this centre in order to receive support, although that may also happen from time-to-time.

But the athlete, for the sake of their own athletic development must, if they wish to progress, relocate to that place where the better coaching, the better support services and so on are provides. There is perhaps an imperative from a personal level of motivation and also perhaps from the sport body concerned.

So we have more athletes, as I said earlier, that large numbers of athletes are dependent on family support and direct or indirect financial support from their immediate family circle. They are now having to
5 leave that arrangement and that simply means that there are some financial support implications that we need to be concerned with.

Secondly, there are more athletes who are in a position to benefit economically from the practice of
10 their sport. I mentioned this morning, when we were speaking about other sources of funding for athletes, that receiving a salary for involvement in sport, playing on a professional team while still maintaining eligibility to compete for a national team, that's a source of financing
15 for athletes but it's a double-edged sword because while that athlete may receive more funding because they can go to Europe or wherever to play on a professional team, they are, as a result, not available to train as a member of Canada's national team and may not indeed even be
20 available to participate in major international competitions.

And if I could cite quickly two examples, I think we all know that many of Canada's better hockey players did not play on the 1988 Canadian Olympic team
25 because they had already followed up profession options

where, quite simply, their team owners would not permit them to rejoin a Canadian national team, even though they would have been eligible to participate had they been able to, and in some cases may have wanted to.

5 In this past summer in the period leading up to the Seoul Olympics, there were basketball players on the men's national basketball team who were unable to participate adequately in the preparation leading up to the Olympic qualification tournaments in the early summer
10 prior to Seoul.

 Fortunately, the Canadian team was able to qualify for the Olympic Games but it was a rather precarious situation for that team, in part because of this problem of athlete availability.

15 And I mention this because I think many of us who are involved with athlete assistance programs now see that not only do we have the task of trying to provide an adequate level of support in economic terms, but that we are, in fact, competing with other opportunities that
20 an athlete may have if we wish to have these athletes involved on national teams.

 And so the national sport bodies feel the pressure of knowing that they have to provide an economic package that competes with these other alternatives,
25 available to some athletes.

Thirdly, we know that more and more athletes, if not needing to train on a full-time basis, certainly need to train more and at a more intense level than has been the case historically.

5 That simply means that the more time that an athlete has to spend training, the less time they have either to pursue their education or to pursue employment income. And given the current levels of financial support through programs such as the Sport Canada Direct Athlete
10 Assistance Program, we know that while a student athlete may be satisfied to get by on \$5,400 a year, the C card stipend, a more mature athlete who may have a family and may be in his or her late 20's, is going to be quite reticent to incur this sort of opportunity cost of their
15 continuing involvement in sport if their only offset of that opportunity cost is a dollar figure in the five, six, if they're fortunate as an A or B maybe \$7' or \$8,000 category.

 And we know that among some of the older
20 athlete population that there are athletes who are trying to work and be a high performance athlete because they must work to support themselves and perhaps their families and that they may, probably some of them know this themselves, may almost be going through the motions of
25 commitment to high performance training because their

personal circumstances just dictate that that be the case.

So, this is not a criticism of the
commitment level of these athletes. It's simply a
statement about our need in the sport system to deal with
5 this concern because these athletes are still obviously
making a commitment because they can think they can do
well but their economic circumstances may make that
difficult.

There is, as well, a very, I think,
10 significant debate that will occur over the next couple of
years that has to do with assessing with what the
occupational status of a high performance athlete is.

Is an athlete simply an individual who's
making an extraordinary commitment of time and effort,
15 emotional energy and perhaps economic, likely economic
commitment while pursuing a high level avocation for which
they perhaps should be supported but, nonetheless, we
would regard what they're doing as an avocation.

Or, are high performance athletes in some
20 sense, as some observers of sport have suggested, really
employees of some kind? People who are providing a
service to a sport body, to the Canadian public and,
therefore in some sense, might be regarded as some kind of
an employee who then, by consequence, should be
25 compensated as if they were an employee pursuing a

vocation as opposed to being supported as if they were someone simply making a commitment, albeit a very strong one, to an avocation?

That's a debate that's just starting to emerge in the sport community.

THE COMMISSIONER: Is it fair to say that some of the European and western block countries, that the second is a paramount thing, that they are regarded as employees, full-time?

THE WITNESS: I think so.

THE COMMISSIONER: Full-time? This is their job full-time?

THE WITNESS: Yes, to a degree. We're aware for example, in France -- so this is an example from Western Europe -- where athletes, we understand, are on the salary of the Federal Sports Department and, as far as we can tell, don't work full-time at those jobs and yet receive virtual full-time salaries.

THE COMMISSIONER: What about eastern block countries?

THE WITNESS: Well, we know that there are many athletes in eastern block countries who are in the Army and yet while they are in the Army, they are, in fact, really there to pursue their training and they may have a military rank but that rank is not a product of

their military service, except perhaps longevity.

So, I think there are other models in the world where there is some sort of employment notion in play but I would say that no one has come to the point yet, really, of saying we're paying an employment income, we're paying a wage because of what these people do in sport.

There's always a sort of third dimension in there, that they are really a member of the military or they are a public servant or they are something else. Very few have come to the point of saying these are athletes.

THE COMMISSIONER: Would that apply to female athletes, too?

THE WITNESS: Yes, in some countries. Interestingly enough, in the athlete assistance study -- I don't know whether I should say this or not -- the female athlete population reflected more satisfaction with the current levels of support in Canada than did the male population.

THE COMMISSIONER: You are objective about this, are you?

THE WITNESS: I think, as times change, if some of concern among male athletes has to do with the traditional male bread winner role as clearly that is not the social profile any longer, I would expect the concern would be as great among females, but certainly as far as what we believe to be going on in Eastern Europe or in countries like France, the support programs don't take account of gender in any way, they would apply to any high performance athletes in those countries.

Q. Can you tell us the numbers of male and female athletes in the carded population currently?

A. I should be able to tell you exactly. I can't. It is approximately 3/5ths male and 2/5ths female, and the reason for that is that the Olympic program, and it is Olympic sports primarily that we are funding, reflects a much more serious inequity than those ratios in terms of male/female disparity and the numbers of sports and the numbers of events on the olympic program.

THE COMMISSIONER: But looking at your whole constituency, apart from the Olympic competition, what would be the percentage of female and male participants?

THE WITNESS: It is difficult to say, because we don't even have the figure of the total, but I think generally people would say that we are likely dealing over the whole system with about a 60 percent ---

5 THE COMMISSIONER: I thought it was millions of people.

THE WITNESS: 60/40 I would say, male-female ratio, approximately.

I will leave the point of the discussion
10 about the status of athletes as either employees or those pursuing an avocation.

There are all kinds of difficulties, and this is the last point I wish to make on this. Difficulties in terms of the economic status of those
15 athletes who are able to secure a significant income through sport, difficulties related to the issue of whether or not -- rather than say whether or not, I think I should say there an issue related to who has a claim on any earnings of athletes through sport. Is it the
20 athlete, him or herself, who has a exclusive entitlement to these resources, should universal athlete assistance programs, such as ours, contribute funding to those who self evidently have no need for funding through something such as the athlete assistance program, and so on. There
25 is a whole serious of related questions on that particular

topic. But these are all matters that are needing to be dealt with in the very near future and have up occupied some time and energy on the part of those who are making policy in this area.

5 Q. And without spending any time on it we have earlier entered as Exhibit 15 the report Toward 2000, which is a report of the Task Force on National Sport Policy, and at page 43 of that document there is a reference to high performance athletes and the fact that Sport Canada is going to undertake a study in order to
10 lead to the development of position papers, and is this study to be directed towards some of those areas you have just raised?

A. Yes, it is, precisely.

15 Q. Now, very briefly before we pass on to another area, I simply wanted to come back and touch on the other two sectors that were reflected on Exhibit 29. We have taken away the overhead there, but let me simply refer you to them. We have the Canadian Sport and Fitness
20 Administration Centre which received 4.5 million-dollars in the fiscal year of '87/88, and we have heard some evidence about that including the fact that its headquarters was opened last night in Ottawa. And that, very briefly, as I understand it, is a collection -- is a
25 building which houses the national sport organizations and

as well provides support services to them?

A. Yes, that's correct.

Q. And the final sector is the Canada Games and event staging and that in fiscal '87/88 received
5 4.3 million-dollars and that refers to the Canada Games and hosting. Very briefly identify what that covers.

A. Yes, the Canada Games, I think Mr. Makosky briefly touched on that event. There are games
10 that occur every other year alternating winter and summer, the next Canada Games will be summer games in Saskatoon, this coming August, August 1989.

These are games primarily directed to younger Canadian athletes, some of whom are likely to enter the high performance stream or may even already be
15 in the lower levels of it, but they are athletes of generally junior age. And those games are financed through a combination of resources from the federal level, which always contributes to the capital and operating costs of the games, and shares those costs with the
20 respective host province and municipality who are selected on a rotational basis according to an agreement among the federal and provincial ministers for sport.

And in that budget area, then, the preponderance of funding that you see represents the
25 federation contributions in most years to two sites. The

immediate upcoming games and the next one. So in this case it is contributions to the 1991 Canada Winter Games in Prince Edward Island. So, it is not an amount split evenly, these are amounts according to a formula that culminates with totals that are based on that formula, but the cash flow depends on the rate of capital development and so on at the site in question.

And the other smaller amount has to do with funding of single sport events, world championships, world cups, cross country skiing or something of that order that Canadian sport bodies would have sought the rights to stage in Canada at the international federation and having won the right to stage the event in Canada would receive some support from the Federal Government to put the event on.

Q. Thank you.

Before we leave funding, I want to ask you for your observations on international funding and, in particular, if you can distinguish for us how other countries organize and fund their systems?

A. This obviously could be a huge topic and I will try to make sure that it isn't on this occasion.

I think that when it comes to comparing sport systems that we can look at financing and we can

look at structuring. It is probably a difficult task to really to do either one with complete accuracy. The size of a country, for example, may cause what seems to be a comparable budget figure and have far less value for money, simply because in a bigger country more money must be spend on travel than in a smaller country. Similarly, the structure of sport in a country will depend on the alignment in that country or the array and the relationship of educational institutions, community sport organizations, and so on.

So, these comparisons are invidious, but let me just make a few observations in any event. I think we have felt for some time, and by "we" I mean people generally in the sport community, that while we have a quite well developed system we certainly lack some of the critical elements that exist in other countries, and we might identify a couple of those because there is some comparative information available.

I think virtually everyone in sport believes that one of most critical elements in the system is that place, that institution, where the athlete does their sport each day. That might be a school, but in many countries it is a club. In Canada it is a combination of clubs and schools, as it is in many societies. But I think we would say that Canada by contrast with some of

the leading sporting nations, particularly in western and eastern Europe, does not have, does not possess the club sport system that exists in those countries. In those countries there are community based multi-sport clubs who often own their only facility, who often have a very large membership numbering in the thousands, who retain people as members of that club throughout their life and often provide opportunities for individuals to participate in many sports.

THE COMMISSIONER: Are they publicly financed or privately?

THE WITNESS: There are many combinations. In many cases the clubs own their own facilities but they are really regarded as part of the local community. They may have had municipal grants or corporate support to establish the club. In West Germany, for example, many industries have provided, as part of their relationship with their worker population, money to build these sport clubs. Bayer in Munich, for example, is a club that was financed by that huge pharmaceutical company.

And there are, as I say, there are many models, some private, some publicly financed. But what they are able to do is retain this incredible membership, and in West Germany we have some statistics. There are 61,000 clubs. I would like to be able to tell you how

many clubs there are in Canada. I can't tell you that, but I can tell you that there are over 19 million members of those clubs in a country --

Q. You are talking Germany?

5 A. In West Germany, yes. In a country with a population of 61 million.

So 30 percent of the population has a direct affiliation with a sport club, and while we don't know the numbers of clubs in Canada I think no one would be
10 provided any misleading information if we were to say there is nothing like one third of the Canadian population belonging to clubs. But simply what I am saying is, there is an institutional base there that sustains the whole sport system that we simply don't have or don't have to
15 that degree of strength.

Q. I believe you also obtained some information from West Germany as to their sport budget overall?

20 A. Yes, we did. The government budget in the Federation Republic of Germany in West Germany, which goes primarily to high level sport, what we call high performance sport is 200 million dollars a year.

Q. And again, although we have to be leary of comparing apples and oranges, is that in any way
25 covering the same area as the 58 million dollars that we

have talked about?

A. Yes.

I think at the national level it is probably quite a good figure to use for comparative purposes.

5 These are funds that are provided to the DSB, the
Deutscher Sport Bund, and it is primarily funding for high
level sports. So in some respects, and I think in many
respects, would parallel the budget of Sport Canada. We
do have information as well about funding in the Federal
10 Republic of Germany at the state and local level, and I
think at that point the figures start to become ---

THE COMMISSIONER: That is not East
Germany?

THE WITNESS: No, I'm sorry, I am still
15 referring to West Germany.

MS. CHOWN:

Q. By "state" you are referring to
individual states within West Germany?

20 A. Yes.

There are 375 million dollars spent by the
state governments, and then at the local level, and this
is why we have to provide cautions with these figures,
there is \$1.8 billion spent. But that presumably covers a
25 lot of what we would regard as part of municipal

recreation ammenities that we see, and we don't again have a figure for comparitive purposes, but as I say, I think the national figure is a very useful one and might point out as well that West Germany, while it has a population of about twice the size of Canada, it does have a quite exemplary record in international sport in recent years. The West Germany team was in the Summer Olympics, was second in Los Angeles, fourth in Seoul.

Q. And this is using the measure that Mr. Makosky referred to yesterday, finishing in the top eight?

A. That's correct, that's correct. And they were 5th, I think with some disappointment actually at the Calgary Winter Olympics.

Q. All right. And I understand as well that you have some information from Italy as to funds that it has available for its high performance athletes?

A. Yes.

I think the main point that might be made about the Italian system is that it is one where there is a very large amount of money that comes from soccer betting pools.

So, there is a single figure that is maybe worth noting of 672 million dollars that goes to the Italian Olympic Committee, which is simply their share of the soccer pool revenues. They also have an athlete

assistance program that's not too dissimilar to ours, providing slightly larger stipends per athlete, but it is in the same general parameters as the Canadian program.

5 Q. And would Italy be a country that uses the club as a basis of organization of its sport?

A. I think club and centres. I neglected to mention in the case of West Germany that one of the other sort of major dimensions of their infrastructure which they have and which we do not have are dedicated
10 state and national training centres which have been specially constructed as places for the preparation of high level athletes, and Italy has some of those centres as well.

15 Q. Another model that is seen, for instance in the United States for sport organization, is the university or school based model. Can you comment on that.

A. Yes.

20 The United States probably has a club system that's weaker than Canada's. It has really been quite reliant on the universities, high schools, and particularly the universities, and the American system of providing athletic scholarships. And while it has been in some respects very successful, I would say that a lot of
25 that success is, first of all, confined to obviously only

those sports that are practices in American colleges and
secondly, it makes very little provision for athletes of
post-university age because all of the ammenities that are
available at university of course are no longer available
5 once an athlete graduates.

THE COMMISSIONER: There is little or any
public funding I understand?

THE WITNESS: Very little public funding.

THE COMMISSIONER: In the United States?

10 THE WITNESS: That's correct.

The US Olympic Committee has generated a
considerable amount of money which it has been able to
pass on to the American sports bodies, but there is no
equivalent to Sport Canada or nor is there a budget that
15 in any way shape or form looks like that of the Federal
Government in sport in this country.

MS. CHOWN:

20 Q. Can you comment on some of the
countries that are now emergeing as new forces in the
sport community, and I think particularly of Korea in view
of it hosting the '88 Olympics? How did it come into some
prominence?

25 A. It is a very interesting case, Korea,
because it neither has a strong club base system and

nor -- I don't want to say it doesn't have any school sport, but certainly its efforts in high performance sport have not been built on a school base system either.

Instead, it is a much more -- I guess I would characterize it as a centralized system where a very explicit effort was made to try to bring Korea into the 20th century, let's say almost in terms of high level sport in many sports, and they did that through the creation of national training centres, quite rigorous identification of younger talented athletes, bringing those athletes to these centres, exposing them to the best coaching that they could get and adapting and adopting modern training methods in a fairly rigorously controlled and rather tightly disciplined kind of environment.

Korea with that system made phenomenal improvements through the late 1970s and early 1980s and that country won 32 medals in Seoul and finished, I believe, 5th or 6th overall by that same criteria we discussed earlier, but they did it also by a lot of specialization in those sports where they thought they had a chance to be successful. But what is now appearing is that in fact as they expand their range of sports they are proving that they are able to prepare athletes through the system in a great many sports, but it is quite a remarkable story.

I don't know the exact population of Korea, but it is not a huge population base from which to work, either say by contrast with China, the other country that emerged in this past decade having made its first Olympic appearance only in the 80's. But it has a slightly different population base in terms of size from which to work on its programs.

Q. We touched on a bit earlier how some of these countries fund their athletes directly in different ways, and I don't want to go back over that, but I understand that there are some countries that provide direct financial rewards to athletes as a result of achievements in competitive sport?

A. Yes, there are.

Unfortunately most of our information on this is what we have read in the newspapers and heard from individual sports persons in these other countries. So there might be some questions about the accuracy of the hearsay information from athletes or coaches, but we have read about and heard about countries saying that they will provide \$25,000 to any medalist from that country. And we have heard this and figures of that magnitude, in some cases bigger and in some cases smaller figures, from quite -- I guess I could almost say a peculiar combination of countries. I mean, we have heard from Korea. I think

I recall one of the smaller Asian countries, Singapore or some country which, with all due respect, didn't have a high probability of gaining a medal, making an announcement of this nature prior to the Seoul Olympics, but we have heard these same statements from France. We quite often hear about financial rewards explicitly for medal performances in eastern Europe. So that it's a way of -- I think I would say not necessarily providing support to athletes. I mean, clearly to provide someone with a large financial contribution after they win a medal doesn't have -- it may have a bearing on the athletes motivation, it doesn't have any bearing on the support of that athlete's long term training and preparation for Olympic competition.

Q. Thank you.

We are going to change directions completely at this point and turn to the second area in which we hope you will be able to give us some assistance, and that is the development of Canada's domestic anti-doping policy.

For the assistance of the Commission, you have prepared an outline of significant events that have occurred since the '70's with respect to doping.

Mr. Commissioner, that's the document entitled, "Submission, Ministry of State for Fitness and Amateur Sport, Doping and Anti-Doping in Sport in Canada."

I don't think you will find it in that folder, but it should have been with -- might we mark that as Exhibit 32, please.

THE COMMISSIONER: Exhibit 32.

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--- EXHIBIT NO. 32: Document entitled: Submission,
Ministry of State for Fitness and
Amateur Sport, Doping and
Anti-Doping in Sport in Canada.

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MS. CHOWN:

Q. I think it would be helpful if we use Exhibit 32 as a pathway through the various developments, and to divide it into sections. If we might start with the period of 1975 to 1983, which is the period leading up to the first Sport Canada policy with respect to anti-doping. Perhaps tell us how we -- what factors precipitated the announcement of that policy in 1983?

15

A. Yes.

Well, I would probably need to start in the mid 1970's -- perhaps maybe just before doing that I should say just a word about what had happened prior to that. Some testimony has been given, more will be given by others who are very familiar with all of these details, but the problem of doping in sport is not one that emerged

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in the first instance in the 1970's, it goes back to the
sixties and perhaps even before, particularly in the area
of such drugs as stimulants that were used by cyclists,
but by the time of the late sixties and early seventies,
5 certainly awareness among Canadian was starting to
increase somewhat about the whole issue of doping in
sport, although more of the discussions certainly was
about stimulants and those kinds of drugs, rather than
some of the practices and doping substances that concern
10 us today, such as steroids or blood doping or things of
that nature.

Canadian athletes had been exposed to doping
controls in the early seventies, I think going back to
1968. But the first adverse experience with doping
15 control or doping test of a Canadian, that I am aware of,
occurred in 1975 at the Pan American games in Mexico City,
and an athlete in track and field who had placed third was
tested after the event and tested positive for a
stimulant. The athlete protested, not in the sense of
20 registering a formal protest, I am not even aware if there
was a mechanism to register a formal protest at that time,
but the individuals brought a situation that was widely
believed was that inadvertently a cold remedy containing a
banned substance had been ingested and that some traces of
25 ephedrine appeared in the sample, and given the nature of

testing at that time that was regarded as a positive test and the bronze medal was taken away from that athlete. And the reason I am mentioning the nature of the testing at that time is that not to cast dispersions on the lab or
5 any of the other people associated with the actual implementation of the testing on that occasion, it simply is to say that the test -- I'm sorry -- the test results may have been regarded in perhaps somewhat more black and white terms on this kind of drug at that time period than
10 would be the case today. If in fact the athlete had inadvertently used a cold remedy that had a small quantity of a banned substance in it, today a judgement call could be made by the laboratory doing the analysis, and possibly the conclusion could be reached that the quantity of the
15 banned drug was so small that a positive test result is not how the analysis should be recorded.

Unfortunately nobody knows, and no record apparently seemed to be available to corroborate one way or another whether this was an inadvertent use, but the point
20 is, this was the first Canadian who, in a major event, received a positive test result.

Q. Next item on Exhibit 32 refers to the 1976 Olympic Games in Montreal, at which I understand there was extensive testing of athletes carried out.
25 Were there positive results obtained?

A. Yes, there were positives. I don't know precisely how many, but Dr. Robert Dugal, who is the director of the lab that was established for the Montreal games, will be testifying later on of course, and he can provide that information. But we do know there were tests that were positives, and there were no positives involving Canadians.

I think what the testing in Montreal brought to the attention, certainly of some Canadian athletes, if not the Canadian public, was that at least some initial awareness of doing testing outside of competition. There had been some indication, and no one ever knew whether it was rumour or fact, but some indication given that perhaps athletes would be tested or subject to testing from the moment they arrived in the Olympic village, and it was rumoured that in fact some athletes were deliberately avoiding coming to Montreal and moving into the village, and in fact were resident in Plattsburg or some place approximal to the Canada-US border, and would only come into Canada and go to the Olympic village perhaps on the day or so prior to their competition, and clearly there was concern on the part of the athletes, but more concern on the part of others who were querying the motives of athletes in not situationing themselves in the village as they would normally have done.

Q. Thank you.

And then we move forward in time to 1981,
and I understand that that was the first positive test of
a Canadian for steroids, and that test result came out of
5 a competitor who was participating in the World Cup of
athletes in Australia?

A. That's correct.

This incident, I suppose, was notable for
another reason. Not just because it was the first
10 positive test for steroids involving a Canadian athlete.
There was a challenge mounted by the athlete and supported
by the Canadian Track and Field Association on the
grounds, according to the athletes statements, that she
was taking an oral contraceptive at that time and she
15 posed the possibility that that oral contraceptive might
have lead to what is generally known as a false positive,
that is that you have a positive -- well, I suppose it's
probably even not a false positive -- it leads to a test
result that shows the presence of a banned substance, but
20 in fact, one could attribute the apparent presence of that
banned substance to some other cause than the deliberate
ingestion of a steroid.

There were concerns that in fact there might be something awry with the analysis of the sample of this athlete. And so quite an extensive piece of research was undertaken involving other female athletes who were administered the same contraceptive pill and were tested at regular intervals to see if the same test result could be reproduced.

Q. And I gather it was not able to be reproduced

A. It was not able to. And as a consequence, the original positive result stood and the athlete received initially a life suspension from the IAAF as the rules then called for and that sentence was or duration of the suspension was reduced to 18 months as was the course of affairs by the IAAF at that time.

Q. The next matter indicated is the survey carried out by Sport Medicine Council of Canada in 1982. We will be hearing from Dr. Andrew Pipe, who is currently the Chairman of the Sports Medicine Council of Canada's Advisory Committee on Anti-doping, and he will have no doubt more to say about this, but in very brief terms, what was the point of the survey and what did it show?

A. Well, the survey attempted even knowing the limitations of asking people for information.

THE COMMITTEE: Was is a questionnaire?

THE WITNESS: Yes, it was a questionnaire of carded athletes, coaches, and medical personnel involved with sport. And it simply attempted to get information through a self-disclosure process of the incidence of use and knowledge of banned practices in sport.

The response rate was unfortunately and not too surprisingly low among athletes in those sports where doping was regarded as a possibility. But nonetheless the results showed that fewer than five percent of athletes said that they were using or previously had used banned substances particularly through from the steroid group.

I think the other thing that was notable about this survey, two things perhaps. One is that the athletes said that they were aware of the health risks associated with the use of banned drugs. So, that was noteworthy. And secondly, that the athlete population said that they were generally favourable to quite severe penalties and to the development of a strong anti-doping policy in Canada.

Q. In 1983, the Pan-Am games in Caracas, we have heard some reference to these games, and Mr. Makosky testimony has been pivotal in pushing ahead Canada's response domestically to anti-doping. Can you tell us what happened there?

A. Yes, two things of note. The first is that I think for North Americans that this may have been the first occasion when a very strong awareness of the doping problem in sport occurred because of the sort of mass media coverage of what happened in Caracas. And the first thing that occurred --

Q. I am sorry, let me stop you there. You are talking about to the public in general?

A. To the public in general as well as to sport people. Right around the -- I guess it was in the days, the eve almost of the opening of the games, it became more widely known than had previously been the case among the athletes competing in the games, particularly the athletes from the United States, that there would in fact be testing at the games. And a great number, significant number of American athletes, for reasons that were a little bit difficult to understand, announced that they were not planning to compete in the games and they were returning to the United States. And there was a spate of minor but incapacitating illnesses and family, you know, tragedies and what have you, and a number of athletes from the U.S. simply packed up their bags and returned home.

And this became quite a cause celebre as the United States Olympic Committee, which was

responsible for the Pan-Am Games team, was sort of forced into a situation of trying to explain the behavior of its particular athlete population.

And clearly the implication was that athletes were leaving because they wanted to avoid the testing and avoid the possibility of testing positive. So, it was a very embarrassing incident for the United States. In any event, the testing occurred and during the course of the games two Canadian weightlifters were found in testing to be positive for steroids.

So, the cause celebre that had sort of started with the United States in the days leading up to the Games very quickly transferred to Canada, although we were not the only country that had positive test results in the Games. But these were, I mean this certainly quite unlike the case of the athlete at the World Cup of Athletics in 1981 which was almost unknown to the Canadian public, the case of these two weightlifters received very, very prominent attention because of the events earlier in that week.

Q. What effect did this prominent attention have, and what response did the Federal Government make to it?

A. Well, the sort of notoriety for sport lets call it arising from this incident plus the momentum

that had been created in part by some indications that had been given in the early eighties, particularly by track and field, that Canada needed to do something in the area of doping added to by the Sport Medicine Council survey, added to further by the continuing circulation of rumors and whatnot about doping, not so much in Canada, but on the international scene, led to the, I guess you could call it the acceleration of a policy development process within the Federal Government. And I think as a consequence of the Pan-Am games a furor about doping was that within a few months a Federal policy called Drug Use and Doping Control in Sport was issued by the then Federal Minister Celine Hervieux Payette. This was formally announced in December of 1983 although a position statement was issued at the closing press conference of the Pan-American Games which in effect stated this sort of the policy perspective that later became enshrined in the policy several months later.

Q. And we have before us a document entitled Drug Use and Doping Control in Sport, a Sport Canada Policy, and that's the policy you referred to?

A. Yes, it is.

MS. CHOWN: Might that be Exhibit No. 33, Mr. Commissioner.

THE COMMISSIONER: Thank you.

THE REGISTRAR: Exhibit 33, My Lord.

5 --- EXHIBIT NO. 33: Document entitled "Drug Use and
Doping Control in Sport, a Sport
Canada Policy"

MS. CHOWN:

Q. And if we look --

10 THE COMMISSIONER: When it is convenient,
could you get me a better copy, mine is hardly legible.

MS. CHOWN: I will.

THE COMMISSIONER: Perhaps, may I see yours,
Mr. Registrar.

THE REGISTRAR: Yes.

15 MS. CHOWN: I think we may have a better
copy for you here. Can we try one more copy and see if
this is any better.

MS. CHOWN:

20 Q. The first page of the text, in the
second page in Exhibit 33, refers specifically to the
background of this policy and refers to the 1983 games in
Venezuela?

A. Yes.

25 Q. The third page which starts with number
one sets out really the backbone of the domestic policy on

anti-doping that was going to be followed and developed in this country?

A. Yes.

Q. And were you involved in the development of this particular document?

A. Yes, I was, I was very actively involved in the development of the policy and the writing of it with other officials in our department.

Q. All right. And we might touch very briefly on the items that appear on the third page that are to be the components. The first one being that all national sports organizations will be required to develop a plan for their sport to erradicate improper drug use by Canadian athletes and support personnel, and then the specific items that must be included in that plan?

A. Yes.

Q. Point number two deals with penalties and sanctions for the athlete, and provides at point 2A that an athlete who has been proven through appropriate due process to have used banned drugs will be suspended forthwith from eligibility from Sport Canada's Athlete Assistance Program and any other financial or program support provided directly to the athletes?

A. That's correct.

Q. And again we have seen this language

that really is the language that has been tracked in the generic contract between the athlete and the national sport organization for carded athletes?

A. Yes.

5 Q. It refers as well to penalties for athletes in possession or who have supplied banned substances. And at 2(d) there is a reference to any athlete being convicted of an offense involving a banned drug, and what was that designed to get at?

10 A. It was designed to get at a situation where an athlete might be involved in a civil or criminal offense that involved a drug on the banned list, but where the infraction that had occurred was not one that was regulated by the sport bodies themselves. So it could be
15 a question of importation, or trafficking or something of that nature involving a restricted or otherwise controlled drug that according to other Federal legislation was under some degree of control or restriction as well as being on the banned list for sport. And there had in fact been a
20 case almost on the eve of the publication of this policy as I recollect involving some athletes who were charged with importation of some quite substantial quantities of banned drugs, specifically steroids.

25 So, it was intended to say that we as the sport department are not going to start passing

judgment on things that the criminal and civil authorities have the responsibility for but if those processes lead to a conviction, then the penalties for doping that apply in the case say of possession of banned substances as
5 outlined in our policy or testing positive during a doping control test the same kinds of penalties would be invoked.

Q. And the incident that you have referred to was the apprehension of Canadian weightlifters at Mirabel?

10 A. That's correct.

Q. Where they were charged with the various offenses relating to the importation of steroids?

A. That's correct.

15 MS. CHOWN: Mr. Commissioner, I might simply indicate that that particular incident will be covered in more detail in Montreal at that section.

THE COMMISSIONER: Thank you.

MS. CHOWN:

20 Q. The rest of the policy as reflected on the next page is directed to the education function that will be carried out by the national sport organization. And that's found at point number four.

And as well at point number 6, and indicating that Sport Canada will enlist the assistance of
25 the Sport Medicine Council of Canada and the Department of

National Health and Welfare in certain areas with respect to the testing of substances. What was the reference from the Department of the National Health and Welfare, what role did they have?

5 A. They had what we hoped would be an indeed was an advisory role in helping us identify and negotiate an arrangement with a laboratory that would undertake the analysis of samples collected during doping controls and the obvious reason being that the Department
10 of National Health and Welfare has a great deal of experience with laboratories, laboratory contracts, and so on.

 Q. There is reference to Sport Medicine Council of Canada there, and I understand that shortly
15 after the issuing of this policy, the Advisory Committee of that body on anti-doping was set up?

 A. Virtually simultaneous with the final stages of development of this policy.

 Q. And that was under its first Chairman,
20 Dr. Norman Gledhill, who we will be hearing from as a witness?

 A. That's correct. If I might just note, Mr. Commissioner, two other points in this particular policy. One is paragraph 4, where there is reference made
25 to a very strong encouragement that we gave to national

sport bodies to include rules related to banned drugs and the abstinence of any involvement with them. In the contracts of those national sport bodies that they undertake with coaches, sports scientists, medical practioners, and other personnel, and I simply note this because of the continuing concern, with which we have a great deal of sympathy, that there sometimes is a feeling that the athlete is the exclusive target of the anti-doping campaign.

And I think I want to make clear that from the beginning, we felt that it was important to identify not in the sense of pointing the finger, but to identify the fact that other people who are involved with athletes need to have the same -- need to be subject to the same policy of that which is intended to govern in some way the behavior of athletes.

THE COMMISSIONER: And the same scrutiny as well?

THE WITNESS: Yes. The difficulty of course has been in the logistics of actually you executing that but it doesn't make the need for it any less significant. The other point very quickly is simply that on, in paragraph 1 on the previous page, is identified the one of the primary means by which we hope to give effect to this policy and this was by asking sport bodies to put together

plans to deal with their part of the anti-doping campaign, but I believe we will be talking about that more later on.

MS. CHOWN:

5 Q. What was the response of the sport community to the announcement of this policy and the establishment of the anti-doping committee of the SMCC?

10 A. Well, certainly the response on the latter point to the creation of an advisory committee was quite positive. On the question of the response to the policy, in general I think I could make a few observations. And I am not generalizing here, I am simply saying that these are attitudes and points that were made at the time. Certainly some people felt that this was a problem that was possibly confined to only a very, very
15 small number of sports, maybe only weightlifting, and track and field. And that what seemed therefore like a rather expansive approach to a smaller or more containable or more contained problem was a question mark in the minds of some people.

20 Q. So, in other words, why are you focussing on all national sport bodies, why not focus on just a few?

25 A. That's correct. And there was at the time some comment from some sports to the effect that there hadn't been any serious doping infractions in that

particular sport and that it was going to be another
burden on that sport and on others and particularly the
organization involved in that particular sport. It's
going to be a burden to actually implement the terms of
the policy as we had announced it.

I don't think, and so I make this as an
observation of a reaction that we might have anticipated
but didn't, didn't receive or certainly I am personally
not aware of it, nobody said in very audible terms that
this was an inappropriate policy, that the philosophy
represented by the policy or the rather strongly-worded
nature of it was in anyway fundamentally wrong.

In other words, as the SMCC survey had
indicated that there was general receptivity to a strong
approach to anti-doping campaign, I think that that
response from the people who replied to that survey was
reflected in the fact that there was no adverse reaction.

I think that there was and I shouldn't
downplay this, there was quite a strong reaction from a
number of sport bodies on this question of the logistics
of putting plans in their particular sport into effect.
And we had internally within the government and with the
sport bodies some considerable debate about whether or not
this policy properly belonged in the domain of the sport
bodies as far as significant aspects of its implementation

are concerned.

And the position we took at the time went something along the following lines: all sports by their very nature have many technical rules. Some sports such as gymnastics, for example, are extraordinarily complicated. I might be exaggerating a bit but you need about 20 judges at a minimum to conduct a gymnastics competition involving a handfull of athletes. It's very complicated. So is figure skating. So are many, many other sports technical or technological terms. And there are rules about technical aspects of those sports.

And virtually all international federations in 1983 had technical rules against doping. And our position was if you have technical rules about the specific aspects of your sport, as a member of the sport organization, you abide by them and you set up systems to ensure that those rules are followed. And in a similar vein, there are rules about doping and that again why would one exclude from from the domain of the sport body the proper enforcement of those rules.

Now, it was quite evident that there were many aspects of the anti-doping efforts such things as setting up a laboratory developing procedures for the proper conduct of doping controls and so on, that it would be unreasonable to expect any single sport body to do on

its own. They would not have the expertise, nor would they have the financial wherewithall to do it. And what we sought therefore was some balance of a sort of centrally developed expertise and advice and provision of certain kinds of services where it made sense to do that centrally with a decentralized administration of certain other aspects of the program.

That was a principle on which we started. It has, as we will see, been modified in some quite significant ways over time.

I think it's fair to say that although we expressed that philosophy at that time, there were concerns about it expressed by some individuals in among the sport bodies.

Q. Just so that we are clear when you talk about the factors within the program that would left to the national sport body, you are referring to such things as the identification of athletes for testing, the collection of the samples, the forwarding of the samples for testing and so on?

A. Yes. And things such as the actual implementation of education programs in a situation where it's a combination of a sort of centralized let's call it approach and a decentralized one where it was envisaged that some educational materials would be developed outside

Canada.

A. Yes.

MS. CHOWN: And I gather that that booklet
is updated from time to time as there are changes. Might
5 we have that booklet, Mr. Commissioner --

THE COMMISSIONER: I have it.

MS. CHOWN: I think you are looking at a
different one, actually.

THE COMMISSIONER: This one here.

10 MS. CHOWN: No, it's a plain gray cover.

THE COMMISSIONER: Thank you.

MS. CHOWN: If we might have that marked as
Exhibit 34.

MR. REGISTRAR: No. 34.

15 THE COMMISSIONER: What date is this.

MS. CHOWN: This is the current publication?

THE WITNESS: Yes, it is. I actually can't
give you the precise publication date of this version, but
the lists have been circulated on a regular basis with
20 whatever the most recent material is that is circulated by
the IOC.

THE COMMISSIONER: Well, I have another
thing called Update. Is that is the update of the update?

MS. CHOWN: Yes, we actually weren't going
25 to enter an update, but I think you will be hearing about

those from Dr. Pipe. They are additions. I am sorry, I have just been corrected. What you are looking at is the updated policy where we have entered as an exhibit the 1983 policy.

5 THE COMMISSIONER: Yes.

MS. CHOWN: The booklet you now have in your hand is the 1985 Fitness and Amateur Sport Policy on Drug Use and Anti-doping.

10 THE COMMISSIONER: It's much more than that though, it sets forth the plan that was going to be implemented.

15 THE WITNESS: Perhaps if I could just make one comment. The revised policy that was issued in the Fall of 1985 did set out the sort of framework for the development of plans for anti-doping by the sport bodies. It elaborated somewhat on the similar clauses in the original 1983 policy.

MS. CHOWN: And we will be coming to that shortly.

20 THE COMMISSIONER: All right. But it sets out in detail the plan, that definitive terms of the plan?

THE WITNESS: That's right, Mr. Commissioner, it really says under these headings this is how a sport body is to map out its plan.

25 THE COMMISSIONER: All right. It's quite

mandatory as I read it.

THE WITNESS: Yes, it is.

THE COMMISSIONER: We are now on Exhibit 34
are we.

5 MS. CHOWN: And Exhibit 34, being the
Sports Medicine Council of Canada List of Banned
Substances in Amateur Sport.

10 --- EXHIBIT NO. 34: Booklet entitled "Sports Medicine
Council of Canada, List of Banned
Substances in Amateur Sport"

MS. CHOWN:

15 Q. And if we could just go back to Exhibit
32, being our outline, I believe we are now at the top of
page two. And we have dealt with the request to national
sport bodies to develop policies and plans for
anti-doping.

20 A. Could you comment on the activities
that were taken in the summer of 1984 leading up to the
Las Angeles Games?

25 A. Yes, I could. As you can imagine, from
the date of the announcement of the first policy in
December 1983, through to the Las Angeles Olympics which I
think started in third or fourth week of July of '84, that

was really in retrospect and I can assure you that at the time we felt it even more so, a very short period within which to start executing the policy in any concrete way.

Certainly there was concern that we
5 avoid the kind of situation that had occurred in Caracas where Canadian athletes tested positive. I think we also knew that there needed to be much more done than simply testing athletes on the eve of competitions abroad to make sure they didn't embarrass themselves or anyone else
10 through a positive test at a major competition.

So, we tried to work on some of the elements of the policy as described in the 1983 version, that is the national sport bodies plans and so on, but we had to start by accumulating some information about what
15 in fact even existed by way of policy at the sport body level. So, one of the first steps was to survey and to send a questionnaire to the sport bodies where would we asked them about the international federation rules in their particular sport concerning doping. And we asked
20 also for information about the history of doping infractions in their particular sport. And the reason for that was to try to get some sort of understanding and to be able to come up with some estimation of the extent, if at all, there was a doping problem in particular sports.

25

Q. Why was that important?

A. Well, the purpose of that information was to try to first of all establish whether or not there should be testing initiated almost immediately in that sport. And secondly, to try to set out some sort of
5 prioritized list of sport bodies with whom we should work and with whom the Sport Medicine Council should work on the various elements of an anti-doping campaign.

Clearly with 60 sports which we were working and I think the 35 Olympic sports that there were
10 at that time, we couldn't simply -- didn't have either the knowledge or the resources or the capacity in any sense of the word to immediately go out and work with all organizations simultaneously.

So, this information was accumulated
15 and out of the response from the sport bodies. We -- there were decisions made involving Sport Canada officials in conjunction with the Sport Medicine Council Advisory Committee as to which sport should initiate testing in the spring and summer of 1984.

20 Q. Can you tell us what sports those were?

A. I could provide you with the list. I don't have it right to hand, but there were I believe
16 -- 14 or 16 sports that were asked to do doping controls prior to Las Angeles and a specific number of
25 tests was requested in the case of each sport. And those,

if you wish, I could ensure that we compile that information and provide it to you. We have copies of the original letters sent to the sport organizations.

Q. You mentioned earlier that there seemed
5 to be a general observation of weightlifting and track and field as being areas with potential problems. I take it they would have been --

THE COMMISSIONER: I am sorry, I can't hear the question.

10 MS. CHOWN:

Q. I am sorry. You mentioned earlier that weightlifting and track and field were two sports in which it was believed that there was a problem?

A. Yes.

15 Q. Were those sports included as the some of the 14 or 16 sports?

20

25

THE WITNESS: Yes, they were and I think the other reason why we had sought this information originally is that the policy makes it clear that if a sport could demonstrate that there was very, very limited probability of doping in that particular sport, that the impact of the policy on them would be somewhat different than in a sport with a high risk.

We certainly wanted all sports to do some things but we certainly were not asking every sport to proceed with the same level of intensity.

Q. Again, on Exhibit 32, there is an indication in 1984 that a contract was entered into with the only IOC accredited laboratory in Canada which was the INRS-Sante lab in Montreal?

A. That's correct, C.

Q. Was that the lab that then carried out these tests?

A. It was, and that followed on discussion that had occurred about the possibility of perhaps even of using a lab outside of Canada and that discussion was undertaken because there were labs that were known to be doing extensive analysis of doping control samples but we very quickly decided, and when I use 'we', I'm talking about Sport Canada and the Sport Medicine Council Advisory Committee, decided that it would be more appropriate to

use the expertise that we had in Canada, Dr. Dugal having done both the 1976 and 1980 Winter Olympics testing.

Q. Now you mentioned this program of testing that was instituted prior to the Los Angeles Games and I see at page 2 of the chart that there were in fact two weightlifters who tested positively just prior to the Los Angeles Games?

A. That's correct.

Q. And they did not therefore compete?

A. They did not therefore compete though I believe in both cases they had departed Canada and had arrived in Los Angeles and were withdrawn from the team and returned to Canada and there was an appeal proceeding subsequently launched but which was denied. But they were returned to Canada, withdrawn from the games.

THE COMMISSIONER: They weren't the two that were found positive in the Pan Am Games, were they?

THE WITNESS: No, they were not.

MS. CHOWN:

Q. So we've made some progress then, Mr. Commissioner. Turning to the year 1985, the first item of significance there was the four year contract that was concluded with the INRS-Sante Lab in Montreal and I gather what had happened earlier was that there was a contractual

arrangement made for a short period and this was then simply formalized?

A. That's correct. And that arrangement really, for the period leading up to the Los Angeles Games, the 1984 period, was really strictly for the analysis of samples in the contractual arrangement which certainly Dr. Dugal and perhaps the Sport Medicine Council representatives will speak about also.

In the subsequent contract, there was a greater responsibility on the part of the INRS to provide a consultative advice and to undertake research in various aspects of doping control and detection methodology and so on, so that there was more than just the pure laboratory analysis that the INRS was asked to undertake.

Q. And who are the actual parties to the contract?

A. The parties to the contract are the, formally in the first instance, the Sport Medicine Council of Canada and the INRS-Sante.

Q. But the funding for the contract comes from Sport Canada?

A. That's correct. The funds are paid in the form of a contribution to the Sport Medicine Council which then executes the contract and supervises many of the details contained in the contract.

Q. And that, if we can recall that
overhead that you've provided us with a total breakdown of
funding from Sport Canada, the \$500,000 referred to under
the national sport organizations for anti-doping would
5 refer to this laboratory contract?

A. It does, although ---

Q. And something else?

A. And some other costs. The laboratory
contract was in the range of -- has been in the range of
10 \$400' to close to \$500,000 a year over its life.

Q. Now, we are going to be hearing from
Dr. Pipe in some more detail about the contract and the
testing but, very briefly, I understand that a certain
number of tests are made available each year by the lab to
15 the various sport bodies and, if you will, a number of
tests are assigned to each sport body after consultation
as to the appropriate number?

A. That's correct. Just a brief point of
elaboration, the sport bodies are asked each year, to by
20 Sport Canada and by the manager of the anti-doping program
who is a senior technical officer within our
directorate ---

THE COMMISSIONER: What period are we
talking about now?

25 THE WITNESS: We're talking about back to

1984. The first comprehensive plans were called for by Sport Canada from the sport bodies in December.

THE COMMISSIONER: This is out-of-competition testing.

5 THE WITNESS: Covering the whole gamut of anti-doping activities.

Starting in December 1984, we asked the sport bodies to prepare a comprehensive plan that outlined their policies, their procedures, their plans for testing and so on.

10

THE COMMISSIONER: But Ms. Chown is talking about actual samples now, are you not?

MS. CHOWN:

15 Q. Yes, that each sport body in each year has a certain number of tests available to it, if I can put it that way, for use both in training and in competition?

A. Yes, I'm just trying to get at the process by which that number is determined. The plan is called for and, among other things contained in the plan, is the plan proposal from the sport body for testing which would cover off national competitions, international events staged in Canada, testing that's proposed to be done at training camps and today it also would include

20

25

proposals for testing on a short notice or no notice basis, as the case may be. The sport would make that request.

5 There has been over time that this process
has evolved but, at various points in times, we have
within the advisory committee tried to put together lists
of sports that would really entail making some assessment
of the probably of doping in that sport and so, through
some combination of the sport bodies request for testing,
10 and the assessment of the likelihood of doping being
prevalent in that sport, some determination would be made
as to how many tests are reasonable to undertake from
within the allotment of one thousand tests that we have
available to us through the SMCC/INRS contract.

15 Q. You take those thousand tests and
divide them up, if you will, between the various sport
bodies?

 A. That's correct. In fact, we have not
yet exhausted the total of one thousand tests. We are
20 probably going to come closer to that number this year
than we have previously.

 THE COMMISSIONER: Is that over a four year
period?

 THE WITNESS: No, that would be a thousand
25 tests per year and we have been operating in the range of

700, 800 tests per year; will likely be closer to 800, 900.

THE COMMISSIONER: Starting with what year?

5 THE WITNESS: Starting with 1984, the period leading up to the Olympics, but I think there were 360 or some number of that order in 1984, the period leading up to the Los Angeles Games but it has been well beyond that level since that time.

10 MS. CHOWN:

Q. So, you were not testing for a full year?

A. That's correct.

Q. Prior to Los Angeles?

15 A. That's correct.

Q. But each year after that, from '85 forward to today, there has been somewhere around 700, 800 tests carried out?

A. In that range, yes, that's correct.

20 Q. And how do you handle requests from sports that are considered to be low risks with respect to doping, as far as the numbers of tests that they should carry out?

25 A. We seem to get two sorts of submissions or non-submissions. There are some sports that are low

risks which don't apply as per our original agreement with them. That they are a low risk sport, from a doping standpoint, and therefore, they should do some educational activity only to familiarize the athletes in their sport, (A) with the ethical and medical dimensions of doping so they know what the issue is, but also with the test protocol because at world championship or Olympics, athletes in those sports may be tested anyway. In fact, they will be tested regardless of the assessment of the possibility of doping.

So, periodically, we will suggest to that sport that they do a few tests to familiarize their athletes and other people in the sport with the procedure.

What we also get from time-to-time are requests from sports that have a very low probability, in our opinion at least, of being a sport with a serious doping problem but, nonetheless, the sport requests to do a a very large number of tests anyway. And so, we've tried to tactfully, without living to regret the day that we told them that it wasn't a high risk sport, we tried to politely tell them that, or suggest to them, that they should do a smaller number of tests.

Q. In fairness, you're trying to allocate your sources effectively to the sports that you believe really have a risk of doping?

A. That's correct.

Q. I understand in 1985, as well, there was continued work on developing standard procedures with respect to testing and these culminated in a publication
5 out of Fitness and Amateur Sport entitled, "Doping Control - Standard Operating Procedures: A Manual".

We might mark that as Exhibit 35?

THE COMMISSIONER: Thank you.

10 --- EXHIBIT NO. 35: Doping Control - Standard Operating
Procedures: A Manual

MS. CHOWN:

Q. What was the purpose of this manual, in
15 general terms?

A. First of all, it was intended to put into print the procedures which had been used during 1984 and, in fact, up to the point of probably early 1985 which had been based on the International Amateur Athletic
20 Federation procedures for doping control and there were some refinements to those procedures that had been undertaken in light of the experience with them.

So, our first purpose was to get this set of procedures into print so that the sport bodies and their
25 designated officials who were administering the doping

control activities would, in fact, have a guide, have a manual with which to work. And, as well, and I really do not have the expertise to comment on all of the technical details of the procedure, there are other witnesses who will certainly do that a great deal better than I could, there were two related procedural points that we felt were very important to state.

One had to do with the arbitration procedures which were put in place which was a response or a reaction to the initial appeal procedure which allowed challenges to a positive test result to be brought forward to the SMCC Advisory Committee which then put together a forum for the hearing of appeals or challenge to the test results.

That had had some problematic aspects to it and it was decided therefore to move to a system where independent arbitrators would be used to undertake appeals and that procedure is outlined in this book.

Q. I believe that's found at page 25, Section 7, which deals with the whole appeals procedure from the initial protest at the competition site through the various levels?

A. Yes.

Q. From then on?

A. And the second point, if I may, is that

it was felt very important to express to anyone who was going to be having contact with doping controls, either the administrators of doping controls or athletes who were going to be tested under these procedures, to make it very clear which procedures were absolutely mandatory to be carried out precisely or as close as humanly possible to the stipulated and described procedures in this booklet and which procedures really bore with them an intent to have the spirit of the procedure carried out as opposed to an exact literal rendering, let's call it, of that procedure and it's stated -- I could read it if you like -- but in the introduction, in Section 1 on page 5, and on page 6, it's made clear that what these procedures are all about is ensuring that the security and ownership of the samples is preserved at all times.

And, in order to achieve that, there are some parts of the procedure that must be carried out specifically as stated in the book and there are others, I don't want to suggest that there's some sort of infinite flexibility, but I think what we were trying to say was to put people on notice that minor deviation from certain parts of the procedure would not impair the integrity of the sample or the security and ownership of the sample and, therefore, we were trying to --

THE COMMISSIONER: Like the size of the

waiting room, for example?

THE WITNESS: Exactly, or the illumination in the waiting room, that sort of thing.

On the other hand, if there were several, you know, entre and exit points to the room and doors were left open and so on, that would be the sort of thing that would not be permissible.

So, we tried to make that distinction and I think pages five and six are quite clear on that philosophy.

MS. CHOWN:

Q. I simply wish to note in passing that Section 5, page 17, there are the very detailed procedures set out for collecting samples and so on?

A. Yes.

THE COMMISSIONER: This does not contain a list of the banned substances? You have to refer to this book to find that?

THE WITNESS: That's correct.

THE COMMISSIONER: And the earlier book had that, too, the one I'm familiar with.

THE WITNESS: Yes.

MS. CHOWN:

Q. The last item that we'll have time to deal with today is the development of an education package that was developed in conjunction with Fitness and Amateur Sport and the Sport Medicine Council of Canada for use by athletes. That is the pamphlet or folder, Mr.

Commissioner, entitled, "Drug Use and Doping Control in Sport - A Joint Project of Sport Canada and Sport Medicine Council of Canada."

We might mark that package as Exhibit 36?

--- EXHIBIT NO. 36: Pamphlet entitled Drug Use and Doping Control in Sport

MS. CHOWN:

Q. Can you identify ---

THE COMMISSIONER: Excuse me. Does this deal with any of the health aspects of steroids?

THE WITNESS: Yes.

THE COMMISSIONER: I notice that this doesn't.

THE WITNESS: No, it doesn't.

THE COMMISSIONER: Whereas the Olympic Committee statement not only sets out the banned practices and so forth, but it explains the serious health hazards

that could result by taking these drugs.

THE WITNESS: Perhaps I should point out one thing about the Exhibit 34 on the banned and restricted and permissible use of drugs in amateur sport.

5 In some respects this booklet was intended to address not so much the medical adverse effects of doping, but you'll note that this booklet attempts to identify those drugs which are permitted.

THE COMMISSIONER: Yes.

10 THE WITNESS: And which might be used for proper therapeutic purposes in situations where there are other drugs that have the same, in general, therapeutic value but are actually on the banned list.

15 Certainly part of the motivation for producing this list was to give athletes and medical people some assistance in ensuring that they weren't impairing an athlete's health by simply refusing to administer them any drug that might conceivably be listed in the examples related to the banned classes of drugs.

20 So that this doesn't talk about the negative aspects.

THE COMMISSIONER: Exhibit 18 is the IOC Medical Commission definition?

THE WITNESS: Yes, I understand.

25 THE COMMISSIONER: And I am assuming that

most of the drugs here are the same as here.

THE WITNESS: That's correct. In the education package, Exhibit 36, there are a number of articles and that package is updated from time-to-time with new materials and quite a few of the items in that education package do deal very extensively with the health and medical and, of course, the ethical aspects as well as ---

THE COMMISSIONER: I haven't read this. I haven't seen this new document. In the IOC document there is great stress as to the physical harm that can befall those who take anabolic steroids.

THE WITNESS: Yes.

THE COMMISSIONER: And do we have similar material here?

THE WITNESS: A great deal of it. In fact, probably in considerably more detail.

THE COMMISSIONER: So the educational aspect of it isn't just a question of ethics and so forth, it's also the caution of those who take them, the sides effects of the drugs?

THE WITNESS: Very definitely. And I think Dr. Pipe, who's the author of some of the materials in that kit, can elaborate on those.

THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. Can you just identify for us what is in the educational kit?

5 A. I should point out, this is the current version and there's a short -- would you like me to list all of the documents?

Q. Simply identify them, please?

10 A. Yes. There is a short introduction which simply provides an overview of the activities in the Canadian anti-doping campaign to the present time.

There's an article by a Dr. Richard Strauss called Viewpoint - Anabolic Steroids.

15 There is a publication -- an issue of a publication called SportMed Info which is a publication of the Sport Medicine Council of Canada and this particular issue deals with synthetic performance, doping in amateur sport. And that was authored by the then Chairman of the Advisory Committee, Dr. Norman Gledhill.

20 There is a reprint from Track And Field Journal called Coach's Round Table Discussion on the Use of Steroids which dealt with a number of the ethical issues.

25 There is an article prepared by Dr. Andrew Pipe called, "The Making of a Champion - Chemistry or Coaching"

And there is a publication in typed script from the Sport Medicine Council of Canada called, "Doping Resource Personnel," and this is a listing of the, primarily, medical people from across the country who were solicited and agreed to be resource people who could deliver education programs using, if they wished, a slide show and other materials that had been prepared to help them with that particular activity.

And there is a list which is a relatively new document of doping control officials and these are people who either have -- well, these are people who have been trained as certified doping control officers. That is, the people who actually physically administer, on-site, the doping control; the taking of samples, part of the doping control process and this is a relatively recent innovation within the last 12 to 15 months but the first training programs took place in April of 1988.

And then there is a brochure, a small brochure called, "Drug Use in Doping Control in Sport - Concerns for the Amateur Athlete," which is very explicitly directed as almost a first document for athletes briefly defining doping, why doping is prohibited, outlining some of the basic procedures.

There is a brochure from the Fair Play Commission which basically -- well, it doesn't deal

specifically with, at any length, with doping. It's really got to do with the ethical basis of sport in general.

5 There is a copy of the most recent version of the policy, the 1985 Federal Government policy on drug use in doping control in sport.

There is a copy of the banned, restricted and permissible use of drugs in amateur sport list.

10 And there's a copy of the doping control standard operating procedures manual and, last, but not least, under the somewhat cryptic title, there is a document called, "So You've Been Selected For Doping Control," which is information for athletes who are selected for doping controls so they know precisely what
15 the procedure is and what their rights are and what their responsibilities are during the course of a doping control, once they've been the fortunate individual, at the end of a competition or during a training camp or what under whatever circumstances, has been asked to come and
20 provide a doping control.

THE COMMISSIONER: And how is this circulated, all this material?

THE WITNESS: This is circulated through quite a few means. It was originally prepared for the
25 1985 Canada Summer Games in St John, New Brunswick, as a

package for the younger athletes who were intending to participate in those Games.

At the same time, the same material virtually, was being made available to some of these resource people who were giving educational sessions to athletes, for example, when a sport body, through their plan, apprised us that they were going to have an educational workshop with their athletes, then either copies of this material would be made available to the sport body for all of those athletes or in many cases it would be given to the person leading the workshop as part of their background information and I believe that there were some kits distributed to various medical people across the country.

THE COMMISSIONER: All right, thank you.

THE WITNESS: If not the whole kit, then some documents.

THE COMMISSIONER: Proper time to adjourn.

MS. CHOWN: Thank you, sir.

THE COMMISSIONER: Thank you very much, Miss Hoffman. And we'll resume Monday morning at ten o'clock. Thank you.

---Whereupon the proceedings are adjourned until 10:00 a.m., Monday, January 16, 1989.

